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JOURNAL

OF THE

PROCEEDINGS OF THE COUNCIL,

OF THE

TERRITORY OF WASHINGTON:

OF THE

SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

AT OLYMPIA, THE SEAT OF GOVERNMENT, UPON THE
FIRST MONDAY OF DECEMBER, 1867

FIFTEENTH REGULAR SESSION,

OLYMPIA:

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1867.

JOURNAL

OF THE

PROCEEDINGS OF THE COUNCIL.

COUNCIL CHAMBER, W. T., }
Monday, Dec. 2d, 1867. }

This being the day prescribed by law for the meeting of the Legislative Assembly of the Territory of Washington, the Council convened in their Chamber at the Capitol, and were called to order by Richard Lane, former Clerk.

Upon roll call, the following named members came within the bar and answered to their names: E. Barrington, C. M. Bradshaw, Marshal Blinn, W. H. Newell, Wm. McLane, H. G. Struve, A. G. Tripp, J. M. Vansyckle and E. A. Wilson.

On motion of Mr. Struve, C. M. Bradshaw, Esq., was elected President, *pro tem.*

The Council proceeded to elect a Chief Clerk, *pro tem.*

Richard Lane and L. B. Andrews were put in nomination.

Mr. Lane received 5 votes—Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson.

Mr. Andrews received 4 votes—Messrs. Blinn, McLane, Struve and Mr. President.

Mr. Lane having received a majority of all the votes cast, was declared elected.

The Council proceeded to elect an Assistant Clerk, *pro tem.*

E. H. Tucker and Albert A. Phillips were put in nomination.

Mr. Phillips received 6 votes—Messrs. Barrington, Blinn, McLane, Struve, Tripp and Mr. President.

Mr. Tucker received 3 votes—Messrs. Newell, Vansyckle and Wilson.

Mr. Phillips having received a majority of all the votes cast, was declared elected.

The Council proceeded to elect a Sergeant-at-arms, *pro tem.*

Louis Myers and Peterfield Turpin were put in nomination.

Mr. Myers received 7 votes—Messrs. Blinn, McLane, Newell, Struve, Tripp, Vansyckle and Mr. President.

Mr Turpin received 2 votes—Messrs. Barrington and Wilson.

Mr. Myers having received a majority of all the votes cast, was declared elected.

* The Council proceeded to elect a Door keeper *pro tem.*

D. F. Brownfield and John Temple were put in nomination.

Mr. Brownfield received 5 votes—Messrs. Blinn, McLane, Struve, Tripp and Mr. President.

Mr. Temple received 4 votes—Messrs. Barrington, Newell, Vansyckle and Wilson.

Mr. Brownfield having received a majority of all the votes cast, was declared elected.

On motion of Mr. Struve, the Chair appointed a Committee of three on Credentials, consisting of Messrs. Struve, Vansyckle and Marshal Blinn.

On motion of Mr. Struve, the Council adjourned until two o'clock, p. m.

AFTERNOON SESSION.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

Present as before.

Mr. Struve, Chairman of the Committee on Credentials, reported progress and asked for further time until to-morrow at 10 o'clock, a. m., to report.

Mr. Newell moved that the Committee be required to report forthwith; upon which,

The ayes and nays were called.

The ayes were Messrs. Barrington, Newell, Vansyckle and Wilson—4.

The nays were Messrs. Blinn, McLane, Struve, Tripp and Mr. President—5.

Motion lost.

Mr. Struve called for the question.

The question being put, Shall the Committee have until 10 o'clock, a. m., to-morrow?

Ayes and nays called.

Ayes were Messrs. Barrington, Blinn, McLane, Struve, Tripp, Vansyckle and Mr. President—7.

Nays were Messrs. Newell and Wilson—2.

Motion carried and the Committee allowed until 10 o'clock, a. m., to-morrow, to report.

On motion of Mr. Struve, the Council adjourned until to-morrow at 10 o'clock, a. m.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER, W. T., }
Tuesday, Dec. 3d, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called. Present—Messrs. Blinn, Barrington, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

On motion of Mr. Struve, time was granted to the Clerk to correct the minutes of yesterday's Journal.

— Mr. Struve, Chairman of the Committee on Credentials, submitted the following report:

To the Hon. C. M. Bradshaw, President pro tem. of the Council of Washington Territory:

A majority of your Committee, to whom were referred the credentials of the members elect of the Council, beg leave to report that the following named gentlemen are entitled to seats in the Council according to the certificates of election submitted to the Committee and the official returns of the election, as they appear upon file in the Secretary's Office of Washington Territory:

Hon. W. H. Newell, of the County of Walla Walla.

Hon. J. M. Vansyckle, of the Counties of Walla Walla and Stevens.

Hon. A. G. Tripp, of the Counties of Clark, Skamania, Klikitat and Yakima.

Hon. H. G. Struve of the Counties of Clark, Cowlitz, Wahkiakum and Pacific.

Hon. Wm. McLane, of the Counties of Thurston and Lewis

Hon. E. A. Wilson, of the Counties of Pierce, Mason and Chehalis.

Hon. Marshal Blinn, of the Counties of King and Kitsap.

Hon. C. M. Bradshaw, of the Counties of Jefferson and Clalm.

Hon. E. Barrington, of the Counties of Island, Whatcom and Snohomish.

A majority of your Committee therefore recommend the admission of the above named gentlemen to seats in the Council.

H. G. STRUVE,

Chairman.

On motion of Mr. Struve, the report was received and the Committee discharged.

On motion of Mr. Struve, the report was adopted.

Mr. Vansyckle submitted the following minority report:

OLYMPIA, W. T., Dec., 1867.

To the Hon. President of the Council of the Legislative Assembly, W. T.:

The minority of your Committee on Credentials beg leave to submit the following report: That from evidence in our possession, we believe James Longmire entitled to the seat in this body accredited to the Council District composed of the Counties of Thurston and Lewis, now held by Wm. McLane, and would therefore respectfully recommend his admission as member from said District.

J. M. VANSYCKLE,

Minority Committee on Credentials.

On a motion of Mr. Wilson, that the minority report be received and laid on the table, the ayes and nays were called with the following result :

Ayes—Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Noes—Messrs. Blinn, McLane and Struve—3.

Motion carried, and minority report received and laid on the table.

On motion of Mr. Struve, the Sergeant-at-arms was despatched for one of the Judges of the Supreme Court to administer the oath to the members of the Council.

On motion of Mr. Struve, the Council took a recess of twenty minutes.

On re-assembling, roll was called. Present as before.

On motion of Mr. Struve, Hon. J. E. Wyche, associate Judge of the Supreme Court of Washington Territory, was invited within the Bar and administered the oath to the members of the Council.

On motion of Mr. Struve, the officers of the temporary organization of the Council were declared permanent officers of the Council.

The oath was administered to the officers of the Council by H. G. Struve, Esq., Notary Public.

Mr. Struve moved that the Council proceed to elect a Chaplain and an Enrolling Clerk.

Mr. Vansyckle moved for a division of the question.

Motion lost.

Mr. Wilson moved to amend by striking out the words "an Enrolling Clerk."

Motion lost.

The motion to elect a Chaplain and an Enrolling Clerk was put and carried.

The Council proceeded to elect a Chaplain.

Mr. Tripp nominated Rev. H. K. Hines.

Mr. Vansyckle nominated Rev. P. E. Hyland.

Rev. P. E. Hyland received five votes—Messrs. Barrington; Newell, Vansyckle, Wilson and Mr. President.

Rev. H. K. Hines received four votes—Messrs. Blinn; McLane, Struve and Tripp.

Whole number of votes cast, nine.

Rev. P. E. Hyland having received a majority of the votes cast, was declared elected.

The Council proceeded to elect an Enrolling Clerk.

Mr. Wilson nominated Mr. James Gallagher.

Mr. Struve nominated Mr. W. B. Grinell.

Mr. Grinell received five votes—Messrs. Blinn; McLane; Struve, Tripp and Mr. President.

Mr. Gallagher received four votes—Messrs. Barrington; Newell, Vansyckle and Wilson.

Whole number of votes cast, nine.

Mr. Grinell having received a majority of all the votes cast, was declared elected.

Mr. Vansyckle moved that the minority report of the Committee on Credentials be taken from the table and submitted to a Special Committee.

The ayes and nays were called, with the following result:

Ayes—Messrs. Barrington; Newell, Vansyckle and Wilson—4.

Nays—Messrs. Blinn, McLane, Struve, Tripp and Mr. President, 5.

Motion lost.

Mr. Newell submitted the following Resolution:

Resolved, That the Council will not proceed to the transaction of general business until the contested election in the case of Longmire vs. McLane is heard and decided.

Mr. Struve suggested that, under the Rules, the Resolution ought to lie on the table for one day.

Objected to by Mr. Wilson.

The Chair ruled the Resolution out of order on the ground that the House was not organized.

Mr. Wilson appealed from the ruling of the Chair.

The question being put, shall the Chair be sustained, a division was called for, and the Chair sustained.

On motion of Mr. Struve, the Council adjourned till to-morrow at 10 o'clock a. m.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Dec. 4th, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Blinn, Barrington, McLane, Newell, Tripp, Vansyckle, Wilson and Struve.

Prayer by the Chaplain.

Journal of yesterday read, corrected, and approved.

Mr. Struve moved to adjourn until to-morrow at 11 o'clock, a. m.

Mr. Wilson moved the following amendment:

“That the Council adjourn for one week.”

Amendment lost.

Motion carried.

And the Council adjourned, until to-morrow at 11 o'clock, a. m.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER, W. T., }
Thursday, Dec. 5th, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called. Present—Messrs. Blinn, Barrington, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President announced the following Standing Committees of the Council:

JUDICIARY.

Messrs. Struve, Vansyckle and McLane.

ELECTIONS.

Messrs. Vansyckle, Struve and Blinn.

PUBLIC BUILDINGS AND GROUNDS.

Messrs. Blinn, McLane and Struve.

COMMERCE.

Messrs. Barrington, Blinn and Tripp.

PRINTING.

Messrs. Newell, Barrington and McLane.

INDIAN AFFAIRS.

Messrs. McLane, Newell and Blinn.

FEDERAL RELATIONS.

Messrs. Blinn, Vansyckle and Struve.

WAYS AND MEANS.

Messrs. Struve, Blinn and Newell.

MILITARY AFFAIRS.

Messrs. Tripp, Newell and Wilson.

CLAIMS.

Messrs. McLane, Barrington and Tripp.

MEMORIALS.

Messrs. Vansyckle, Barrington and Blinn,

ROADS AND HIGHWAYS,

Messrs. McLane, Barrington and Vansyckle.

MINES AND MINING.

Messrs. Tripp, Barrington and Newell.

AGRICULTURE.

Messrs. Barrington, Tripp and McLane.

COUNTIES.

Messrs. Wilson, Tripp and Vansyckle.

RULES AND ORDERS.

Messrs. Newell, McLane and Wilson.

EDUCATION.

Messrs. Wilson, Struve and Vansyckle.

CORPORATIONS.

Messrs. Tripp, Wilson and Newell.

ENGROSSED BILLS.

Messrs. Wilson, Blinn and Newell.

TERRITORIAL LIBRARY.

Messrs. Newell, Wilson and Struve.

On motion of Mr. Struve, the Council took a recess of thirty minutes.

On re-assembling, roll was called, members all present.

On motion of Mr. Struve, the Clerk was instructed to inform the House of Representatives that the Council is now organized and ready to proceed to business.

On motion of Mr. Wilson, the Rules and Orders of last Council were declared the temporary rules and orders of the present Council.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
December 5th, A. D. 1867. }

MR. PRESIDENT:—I am instructed by the House to inform the Council that the House has permanently organized by the election of

P. B. JOHNSON, *Speaker*;

L. B. ANDREWS, *Chief Clerk*;

H. A. AVERILL, *Assistant Clerk*;

ROBERT LAMPHIER, *Sergeant-at-Arms*;

JOB CARR, *Enrolling Clerk*;

PAUL C. EWBANKS, *Door Keeper*;

REV. H. K. HINES, *Chaplain*.

L. B. ANDREWS,
Chief Clerk.

Mr. Newell, on leave, introduced the following Resolutions:

Resolved, That the Committee on Elections be instructed to at once proceed to investigate the contested election in the case of Longmire vs. McLane; and that said Committee be instructed to report to the Council at 10 o'clock, on Saturday morning.

Resolved further, That when this Council adjourns, it adjourns to meet at 10 o'clock on Saturday morning.

The Chair ruled the Resolution out of order.

On motion of Mr. Struve, the minority report of the Committee on Credentials was taken from the table and referred to the Committee on Elections.

Mr. Wilson moved

That the Committee on Elections be instructed to report on Saturday morning at 10 o'clock, with authority to send for witnesses and papers, and that this Council do now adjourn until Saturday next at 10 o'clock, A. M.

Motion ruled out of order by the Chair.

On motion of Mr. Wilson,

The Committee on Elections was instructed to report on

Saturday next, at 10 o'clock, A. M. with authority to send for persons and papers.

Mr. Struve introduced C. J. R. No. 1, relating to a joint committee to wait upon his Excellency the Governor.

Resolution read first time.

On motion of Mr. McLane,

The rules were suspended and the resolution read second time by title.

On motion of Mr. McLane,

The rules were suspended and the resolution read third time and passed,

On motion of Mr. Struve,

The clerk was instructed to inform the House of the passage by the Council of C. J. R. No. 1.

Mr. Vansyckle moved that this Council adjourn until Saturday next at 10 o'clock A. M. Lost.

On motion of Mr. Vansyckle,

Council adjourned until to-morrow morning at 11 o'clock,

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER, W. T.,
Friday, Dec. 6th, 1867. }

The Council met pursuant to adjournment.

Mr. President being absent, the Council was called to order by Hon. A. H. Tripp.

Roll called.

Present Messrs. Harrington, Mann, McLane, Newell, Struve, Tripp, Vansyckle and Wilson

Absent Mr. President

On motion of Mr. Wilson, Mr. Tripp was elected President, *pro tem.*

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. President arrived and took the Chair.

Mr. Struve moved that a joint committee of three, proposed by resolution passed yesterday, be appointed by the Chair, who, in connection with a like committee of the House, should wait upon His Excellency the Governor.

Motion carried, and Messrs. Struve, Newell and Tripp appointed on said committee.

On motion of Mr. Struve,

The Clerk was instructed to inform the House of the appointment of said committee.

Mr. Blinn, of Kitsap, introduced C. J. R. No. 2, relative to the election of Territorial officers.

Resolution read first time.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
December 6th, 1867. }

MR. PRESIDENT:—

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of Council Joint Resolution No. 1, to wait on His Excellency the Governor, and inform him that both Houses are now organized, and are ready to receive any communication that His Excellency may deem proper to make, and that Messrs. Cochran, Brownell, and Henry of Thurston, have been by their appointed said committee on the part of the House.

L. H. ANDREWS,

(L. H. Andrews)

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,)
Saturday, Dec. 7th, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present Messrs. Barrington, Blinn, McLane, Newell,
Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle, of Walla Walla, on leave introduced C. J.
M. No. 1, relating to the annexation of Northern Idaho to
Washington Territory.

Read first time.

Mr. Vansyckle, chairman of committee on elections, re-
ported progress and asked for further time to report.

Further time granted.

Mr. Struve, chairman of the joint committee appointed to
wait upon His Excellency the Governor, submitted the follow-
ing report :

MR. PRESIDENT :

Your committee, appointed for the purpose of informing
His Excellency the Governor of Washington Territory that the
Legislative Assembly is now permanently organized and ready

on Monday, the hour of 12 o'clock, M

Respectfully submitted,

H. G. STRUVE,

Chairman of the Committee.

On motion of Mr. Vansytkle, the report was received and the Committee discharged.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,)
Saturday, Dec. 7th, 1867. }

I am instructed by the House of Representatives to inform the Council of the introduction and passage in the House of Representatives of H. J. R. No. 5, relative to joint committee for the purpose of receiving the Governor's message.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Wilson, the rules were suspended and H. J. R. No. 1 read first time.

On motion of Mr. Wilson,

The rules were further suspended and resolution read second time by title.

On motion of Mr. Blinn,

The rules were further suspended and resolution read third time and passed.

On motion of Mr. Struve,

Council adjourned until 11 o'clock, A. M., on Monday next.

RICHARD LANE,
Chief Clerk

COUNCIL CHAMBER,
Monday, Dec. 9th, 1867.

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle, Chairman of Committee on Elections, reported progress and asked further time.

Further time granted.

Mr. Struve, on leave

Introduced C. B. No. 1, exempting certain firemen from Jury duty and from paying certain taxes.

Bill read first time, and

On motion of Mr. Wilson,

Was laid on the table and ordered printed.

Mr. Newell of Walla Walla, on leave, introduced

C. J. R. No. 3, relating to Penitentiary buildings.

Resolution read first time.

On motion of Mr. McLane,

The rules were suspended and resolution read second time, now by title.

On motion of Mr. McLane,

The rules were further suspended and the resolution read third time, passed, and title agreed to.

Mr. Vansyckle in the Chair.

Mr. Bradshaw of Clalm, on leave,

Introduced C. J. R. No. 4.

Mr. Bradshaw moved

That the resolution be ordered printed.

Mr. Wilson moved

To amend by laying the resolution upon the table and ordering it printed.

Amendment accepted and motion as amended carried.

On motion of Mr. Wilson,

The Committee on Rules and Orders were requested to report at as early a day as possible.

On motion of Mr. Blinn,

C. J. R. No. 1, relating to the annexation of Northern Idaho to Washington Territory, was read second time by title.

On motion of Mr. McLane,

Resolution referred to the Committee on Federal Relations.

On motion of Mr. Struve,

Council took a recess until five minutes of twelve.

Council called to order.

Mr. President in the Chair.

Roll called.

Members all present as before.

The Clerk was instructed to report to the House of the concurrence of the Council in H. J. R. No. 1.

The following message was received from the House of Representatives by their Clerk :

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 9th, 1867. }

MR. PRESIDENT :—

I am instructed by the House of Representatives to inform the Council of the introduction and passage of H. J. M. No. 5, praying for increased pay on mail route No. 15,424, in Stevens County, W. T.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Struve,

The Clerk was instructed to inform the House that the Council is now ready to meet in joint convention.

The following message was received from the House of Representatives by their Clerk :

HOUSE OF REPRESENTATIVES,
Monday, December 9th, 1867.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. J. M. No. 1, relative to a naval arsenal and dry dock in the Territory of Washington.

H. J. M. No. 2, relative to fortifications on Puget Sound in the Territory of Washington.

H. J. M. No. 3—Relative to mail facilities in the Territories of Washington and Alaska.

H. J. M. No. 4—Relative to light Houses in Washington Territory.

Also, H. B. No. 1—An act entitled an act to prevent the burning of the prairies or grass lands in the county of Walla Walla.

H. B. No. 2—An act entitled an act to regulate the licensing and sale of spirituous liquors in the Territory of Washington.

H. B. No. 3—An act to amend an act entitled an act establishing a common school system for the Territory of Washington.

H. B. No. 4—An act to prescribe the time when all laws of a general nature shall be deemed to be in force.

H. B. No. 5—An act changing the name of Pinckney City, the county seat of Stevens county, to Colville.

H. B. No. 6—An act for the relief of Michael Miskel.

H. B. No. 7—An act to amend an act entitled an act defining county lines in the Territory of Washington.

H. B. No. 8—An act in relation to fees and costs in civil actions.

L. B. ANDREWS,

Chief Clerk.

The annual message of His Excellency the Governor of Washington Territory was received through His Excellency's private Secretary.

Mr. President announced that as the time had now arrived for repairing to the Hall of the House of Representatives for the purpose of receiving the message of His Excellency the Governor, the Council would now take a recess for that purpose.

Members and officers of Council repaired to House of Representatives to hear the message of His Excellency the Governor read.

After which, the members and officers returned to the Council Chamber, and the Council was called to order.

Mr. President in the Chair.

Members all present as before.

On motion of Mr. Struve,

So much of the Governor's message as related to the Sister's of Charity was referred to the Committee on Ways and Means.

Mr. Newell moved

That so much of the Governor's message as related to the Pacific Railroad be referred to a committee of three.

Motion carried.

And Messrs. Newell, Tripp and Wilson appointed on said Committee.

On motion of Mr. Struve,

One thousand copies of the Governor's message were ordered printed for the use of the Council.

On motion of Mr. Vansyrkle,

Council adjourned until to-morrow morning at eleven o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER, W. T., }
Tuesday, Dec. 10th, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Blinn, Barrington, McLane, Newell, Tripp, Vansyckle, Wilson and Struve.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle, Chairman of Committee on Elections, reported progress and asked for further time.

Further time granted.

Mr. Blinn, Chairman of Committee on Federal Relations, reported progress and asked for further time.

Granted.

Mr. Newell, Chairman of Committee on Rules and Orders, submitted the following report :

MR. PRESIDENT :

Your Committee on Rules and Orders, on whom was imposed the duty of reporting rules and orders for the government of the Council, have had the same under consideration, and have concluded to recommend the adoption of the rules and orders of the last Council, with the addition of some slight alterations and amendments, as will be seen by reference to the report herewith attached.

All which is respectfully submitted.

WM. H. NEWELL,
Chairman Committee.

On motion of Mr. McLane,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Struve,

The rules were suspended and the report taken up now.

Mr. Vansyckle moved

That the report of the Committee be adopted.

Mr. Struve moved

That the report be amended by striking out section 36. On this motion, the ayes and noes were called for with the following result:

Ayes—Messrs. Blinn, McLane, Struve, Tripp and Mr. President—5.

Nays—Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion carried and section 36 stricken out.

The motion to adopt the rules and orders as amended was now put and carried.

On motion of Mr. Wilson,

The rules were further suspended, and the Committee on Printing were instructed to print at as early a day as possible the rules and orders of the Council.

RULES OF THE COUNCIL.

DUTIES AND POWERS OF THE PRESIDENT.

1 The President shall take the chair at the hour to which the Council shall have adjourned; shall call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all questions of order, subject to an appeal to the Council on motion regularly seconded, and may vote in all cases.

3. He shall declare all votes; but if any member doubt the vote, the President shall order a return of the Council, with the number voting for and against, and declare the result.

4. He shall rise to put a question, or to address the Council, but may read sitting.

5. When the Council shall determine to go into a committee of the whole, the President shall appoint the member who shall take the chair.

6. He shall propound all questions in the order they were moved, unless the subsequent motion be previous in its nature, except that in filling blanks, and in assigning times for the consideration of business, the largest sum and longest time shall be put first.

7. He shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

8. He shall put the previous question in the following form : "Shall the main question now be put?"

9. When two or more members rise at the same time, the President shall name the person to speak ; but in all cases the member who shall first rise and address the chair shall speak first.

10. All committees, except such as the Council shall from time to time determine to elect, shall be nominated by the President, unless a majority of the members be in favor of a nomination by the Council, in which case the nomination shall be made by the Council.

11. Every question of order which shall be decided on appeal, shall be entered on the journal of the Council, with the decision thereon.

12. The President shall have the right to name a member to perform the duties of the chair during his absence, but such substitution shall not extend beyond an adjournment.

DUTIES OF SUBORDINATE OFFICERS.

13. All messages from the Council to the House, and to the Governor, shall be carried by the Clerk, unless when the Council shall otherwise decide.

14. In case the President shall be absent at the hour to which the Council was adjourned, the Council shall choose one of their members President *pro tem*.

15. It shall be the duty of the Sergeant at-Arms to attend the Council during sitting, announce all messages, preserve order

in the lobby of the Hall, and to execute all process issued by authority of the Council, and directed to him by the President.

16. The duty of the Door-keeper shall be to carry all messages the Council may require, private as well as public. When requested to call a member of the Council, he shall do so by name; he shall keep the Hall clean, and have a good fire made therein by the hour of 9 o'clock in the morning, when the weather requires it.

17. It shall be the duty of the Door-keeper to attend the Council during its sittings, to keep the Council Chamber and committee rooms in perfect order, and in all things to execute the commands of the President of the Council from time to time.

DUTIES, RIGHTS AND DECORUM OF MEMBERS.

18. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat and respectfully address himself to Mr. President, and shall confine himself to the question under debate, and avoid personalities; and no member shall impeach the motive of another member's vote or argument.

19. If any member, in speaking or otherwise, transgress the rules of the Council, the President shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain, and the Council shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Council upon a vote of two-thirds of the members.

20. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to the censure of the Council for words spoken in debate, if

any other member has spoken, or other business has intervened after the words are spoken, and before exceptions to them shall have been taken.

21. No member shall interrupt another while speaking, except to call to order, or to correct a mistake.

22. When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider on the same or the succeeding day. A motion to reconsider shall not be postponed nor laid on the table without a time certain assigned for its further consideration. When a motion for reconsideration has been decided, that vote shall not be reconsidered.*

23. No member shall be permitted to stand up to the interruption of another, while any member is speaking, or other person be permitted to stand in the alleys during the session of the Council.

24. When the lobby of the Council shall be ordered to be cleared, the matter which may occasion such order shall be kept secret by each member, until the Council shall order such injunction of secrecy to be taken off.

25. When any member shall be guilty of a breach of any of the rules and orders of the Council, and the Council has determined he has so transgressed, he shall not be allowed to vote or speak, unless by way of excuse for the same, until he has made satisfaction.

26. No member shall be permitted to vote on any question where his private right, distinct from public interest, is immediately concerned.

27. Every member who shall be in the Council when a question is put, where he is not excluded by interest, shall give his vote, unless the Council, for special reasons, shall excuse him; and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared. In all elections by the Coun-

roll, or in joint ballot of the two houses, no member shall leave his seat after voting, before a return of the Council is had.

ORDER IN PRECEDENCE AND DEBATE.

28. After the roll is called and the journal read, business shall be disposed of in the following order:

Petitions, memorials and remonstrances.

Reports from Standing Committees.

Reports from Select Committees.

Propositions and motions.

Second reading of bills, &c.

Engrossed bills read a third time.

Bills, reports and other business lying on the table.

Bills and other business from the House.

Other business of the Council.

The orders of the day.

29. The President shall, upon each day, announce to the Council the business in order, agreeably to the preceding rule, and no business shall be taken up, or considered, until the class to which it belongs shall be declared to be in order; but reports from the Governor may be read at any time.

30. Every motion shall be reduced to writing, if required by the President or by any member.

31. When a question is taken by yeas and nays, or a call of the Council is made, the names of the members shall be called alphabetically.

32. A motion to non-concur, except upon verbal messages, shall not be in order; but in all other cases of concurrent action the Chair shall state the question affirmatively—"Will the Council concur?"

33. No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or question under debate.

34. A motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert.

35. After a motion or order is stated or read by the President and seconded, it shall be deemed to be in the possession of the Council, and shall be disposed of by vote of the Council. Any motion or order may be withdrawn by the mover at any time before the decision or amendment.

36. When a question is under debate, no motion shall be received, but—

1st—To adjourn.

2d—To lay on the table.

3d—For the previous question.

4th—To commit.

5th—To amend.

6th—To postpone to a certain day.

7th—To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged.

37. The unfinished business in which the Council was engaged at the time of the last adjournment, shall have preference in the order of the day, and shall continue to be among the orders of the day for each succeeding day until disposed of, and no motion or other business shall be received, without special leave of the Council, until the former is disposed of.

38. No rule or order of the Council shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice thereof be given in each case, and such notice be entered on the journal. Nor shall any motion suspending the rules be decided correct, unless two-thirds of the members present vote in favor of such suspension.

39. When a vote having been declared by the President is doubted, the members for and against the question, when called on by the President, shall rise and stand till they are counted and the vote made certain, without any further debate; but a call for the yeas and nays shall be in order at any time before such vote is made certain and declared.

40. A member who is absent from his seat when a vote is

taken upon any question, shall not afterwards be allowed to vote on that question, except by consent of the Council.

41. All engrossed bills and resolves shall be committed to the Standing Committee on Engrossed Bills, to be strictly examined, and if found by them to be strictly engrossed, they shall so report to the Council, and the same shall pass to be enacted without any further reading, unless, on motion of any member, a majority of the Council shall be in favor of reading the same as engrossed.

COMMITTEES.

42. The following shall be the Standing Committees of the Council, to consist of three members each :

A Committee on Elections.

A Committee on Federal Relations.

A Committee on Ways and Means.

A Committee on Education.

A Committee on Judiciary.

A Committee on Claims.

A Committee on Military Affairs.

A Committee on Roads and Highways.

A Committee on Engrossed Bills.

A Committee on Enrolled Bills.

A Committee on Indian Affairs.

A Committee on Commerce.

A Committee on Printing.

A Committee on Corporations.

A Committee on Memorials.

A Committee on Counties.

A Committee on Rules and Orders.

A Committee on Agriculture.

A Committee on Public Buildings and Grounds.

A Committee on Territorial Library.

A Committee on Mining and Mining Interests.

It shall be the duty of the Committee on Elections to examine and report upon the certificates of Election and other

credentials of the members returned to serve in the Council, and to take into consideration all other matters relative to contested elections which may be referred to them. It shall be the duty of the Committee on Ways and Means to inquire into the financial concerns of the Territory, and to make a detailed report of the same, and take into consideration all such other business as may be referred to them; and each of the other Committees shall take into consideration all subjects and matters which may be referred to them.

PETITIONS, MEMORIALS, ETC.

43. All petitions, memorials, and other papers, addressed to the Council, shall be presented by the President or a member in his place, and shall be endorsed with the name of the person presenting it, and the subject matter of the same. They shall be read by the President, Clerk, or such other person as the President may request, and shall be taken up in the order they were presented, unless the Council shall otherwise direct.

44. All resolutions, memorials and petitions shall, on presentation, lie one day on the table, unless otherwise ordered by the Council.

45. No bill shall pass to be engrossed until it shall have had three several readings; the times for the second and third readings shall be assigned by the Council; but if no objection is made, the second reading may be by title, and at the time of the first. The third reading in all cases must be in full, unless otherwise ordered by a vote of the Council.

46. Any member having obtained leave of absence, and having in his possession any papers relative to the business before the Council, shall leave the same with the Clerk.

47. The chairman of every committee, other than the standing committees, that shall have business referred to it, shall make a report of its doings therein within four days after its appointment.

COUNCIL CHAMBER.

48. No person not a member or officer of the Council, ex-

cept members of the House, its secretary and assistants, the Governor, Secretary, Judges of the Supreme Judicial Court, the United States District Attorney, U. S. Marshal, reporters of the proceedings and debates of the Council, shall be permitted within the bar of the Council, unless invited by the President or some member of the Council.

49. In the absence of any resolve or order of the Council, the President shall have the general direction of the Council chamber.

JOINT RULES.

1. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee to confer, such committees shall, at a convenient hour to be agreed upon by their chairmen, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the Door-keeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. All bills introduced into either House shall forthwith be reported to the other by their title.

5. When bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Clerk of each House respectively.

6. Neither House shall take any action upon a bill while the same is in possession of the other House.

7. Every bill or joint resolution, after being enrolled, shall be examined by a joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover so as to make it agree therewith, and make their report forthwith to their respective Houses.

8. Every bill or joint resolution reported to have been duly enrolled, shall be first signed by the Speaker of the House of Representatives, (who shall send the same to the Council) then by the President of the Council.

9. When a bill or resolution which shall have passed in one House shall be rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

10. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed.

11. Each House shall transmit to the other, with the bill or resolution, all papers on which such bills or resolutions shall be founded.

12. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

13. The President of the Council and the Speaker of the House shall cause the Chief Clerk of each House to number the bills originating in their respective Houses.

14. The Printing Committees of the two Houses shall compose a joint committee.

On motion of Mr. Vansyckle,

Council adjourned until to-morrow at 11 o'clock, a. m.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Dec. 11th, 1867.

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

The Hon. Secretary of the Territory and the Rev. H. K. Hines, on invitation from the Chair, took seats within the bar of the Council.

Prayer by the Rev. H. K. Hines, Chaplain of the House of Representatives.

Mr. Vansyckle, Chairman of the Committee on Elections, submitted a minority report.

Mr. Struve, of the Committee on Elections, submitted a majority report.

On motion of Mr. Struve,

The reports were received.

On motion of Mr. Wilson,

The Committee on Elections was instructed to procure the printing of the reports, together with the testimony and all papers accompanying the same.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, December 11th, 1867.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 9—An act in relation to changes of venue.

H. B. No. 10—An act to create and regulate the office of Inspector of Salmon.

H. B. No. 11—An act to fix the time for holding County Commissioners Court in certain counties.

H. B. No. 12—An act to change the name of Wm. Smith, Jr., to Wm. Henry Davis.

H. B. No. 13—An act to amend an act entitled, an act to provide for the assessing and collecting of Territorial and County revenue, approved July 31st, 1867.

H. B. No. 14—An act to provide a special county fund in the several counties of this Territory, and for the collection and disbursement thereof.

Also, H. J. R. No. 2—Relative to a joint convention for the purpose of electing a Public Printer.

L. B. ANDREWS,

Chief Clerk.

On motion of Mr. Struve,

C. J. R. No. 2 was read second time and referred to Committee on Judiciary.

C. M. Bradshaw, of Olam and Jefferson Counties, on leave,

Introduced C. B. No. 2, an act amendatory of an act entitled an act to change the venue in certain cases.

On motion of Mr. Struve,

C. B. No. 1, exempting certain firemen from Jury duty, etc., was taken from the table and read second time, now by title, and

On motion of Mr. McLane,

Referred to Committee on Judiciary.

On motion of Mr. Vansyckle,

Council adjourned until to-morrow morning at eleven o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER, W. T.,
Thursday, Dec. 12th, 1867.

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, McLane, Newell,
Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Struve on leave.

Introduced C. B. No. 3—An act relating to the specific
performance of certain contracts.

Bill read first time, and

On motion of Mr. McLane,

Bill ordered printed.

Mr. Vansyckle on leave.

Introduced C. B. No. 4—An act to amend an act entitled
an act to regulate the practice in civil actions in the District
Court, passed January 28th, 1863.

Bill read first time, and

On motion of Mr. Vansyckle,

Bill ordered printed.

Mr. Struve submitted C. R. No. 1, requiring Judiciary
Committee to report the opinions of the Supreme Court.

Resolution read first time.

Mr. McLane moved

That the rules be suspended and the resolution read second
time now.

Division called for.

The motion was carried, and resolution read second time
now.

On motion of Mr. Wilson,

The resolution was referred to Committee on Judiciary.

II. J. M. No. 5, praying for increased pay on mail route
No. 15,424,

Was read first time.

On motion of Mr. Vansyckle,

The rules were suspended and memorial read second time now by title.

On motion of Mr. Newell,

The rules were suspended and the memorial read third time, passed, and title agreed to.

On motion of Mr. Struve,

The Clerk was instructed to inform the House of the passage by the Council of H. J. M. No. 5.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 12th, 1867. }

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 15—An act entitled an act defining the duties of Sheriffs, Constables and City Marshals in criminal actions.

H. B. No. 16—An act entitled an act relating to public policy.

H. B. No. 17—An act to regulate interest on money and to punish usury.

H. B. No. 18—An act to re-locate the county seat of Island county.

Also, of the passage in the House of H. J. M. No. 1—Relative to a Naval Arsenal and Dry Dock in the Territory of Washington.

H. J. M. No. 2—Relative to Fortifications on Puget Sound in the Territory of Washington.

H. J. M. No. 3—Relative to mail facilities in the Territories of Washington and Alaska.

H. J. M. No. 4—Relative to Light Houses in Washington Territory.

Also, the introduction and passage of H. J. R. No. 3—Relative to Joint Rules.

Also, the introduction of H. J. M. No. 6—Relative to the Northern Pacific Railroad.

Also the introduction and passage, Dec. 12th, 1867, of H. J. M. No. 7—Asking Congress for aid in building a Railroad from Puget Sound to the Columbia river, in the Territory of Washington.

H. J. M. No. 8—Praying mail service by sea, from San Francisco to Olympia, W. T.

L. B. ANDREWS,

Chief Clerk.

H. J. M. No. 8—Praying for mail service by sea, between San Francisco, Cal., and Olympia, Washington Territory, read first time.

On motion of Mr. McLane,

The rules were suspended and memorial read second time, now by title.

Mr. Vansyckle moved

A further suspension of the rules and the reading of the memorial 3d time, now.

Carried.

On motion of Mr. Struve,

The rules were further suspended and the memorial read third time by title only, passed and title agreed to.

On motion of Mr. Struve,

The rules were suspended and the Clerk was instructed to notify the House of the passage by the Council of H. J. M. No. 8.

On motion of Mr. Wilson,

The President was instructed to sign H. J. M. No's 5 and 8, during vacation.

On motion of Mr. Struve,

Council adjourned until 11 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER, W. T.,
Friday, Dec. 13th, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Blinn, Barrington, McLane, Newell, Tripp, Vansyckle, Wilson and Struve.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle, Chairman of Committee on Elections, reported progress and asked for further time.

Granted.

Mr. Struve, Chairman of Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred C. B. No. 1, entitled "An act exempting certain firemen from Jury duty and from paying certain taxes," beg leave to report that they have considered the same and recommend its passage, with the following amendment :

Amend section one by adding thereto the following: "and provided further, that any such fire engine company, or hook and ladder company, shall not exceed sixty in number."

H. G. STRUVE,

Chairman.

Mr. Tripp, on leave,

Introduced C. B. No. 5—An act to amend an act entitled an act to apportion the members of the Council and the members of the House of Representatives of Washington Territory.

Bill read first time.

On motion of Mr. Struve,

The bill was laid on the table and ordered printed.

Mr. Blinn in the Chair.

Mr. Bradshaw, on leave,

Introduced C. B. No. 6—An act to repeal an act entitled an act in relation to garnishees.

On motion of Mr. Bradshaw,

The rules were suspended and bill read second time now by title; and

On motion of Mr. Bradshaw,

Referred to Committee on Judiciary.

Mr. Bradshaw, on leave,

Introduced C. B. No. 7—An act to amend an act entitled an act to regulate marriages.

Bill read first time; and

On motion of Mr. Wilson,

Laid on the table and ordered printed.

C. B. No. 2—Read second time by title; and

On motion of Mr. Bradshaw,

Referred to Committee on Judiciary.

C. B. No. 1—An act exempting certain firemen from jury duty and from paying certain taxes, was read second time together with the report of the Committee.

On motion of Mr. Struve,

The report of the Committee was adopted.

On motion of Mr. Newell,

Section two was amended by striking out from line four of printed copy the words "and has been," and from lines five and six the words "for more than one year immediately preceding."

On motion of Mr. Struve,

C. B. No. 1, as amended, was ordered engrossed by the Enrolling Clerk.

H. J. R. No. 3—Relating to joint rules, was read first time.

On motion of Mr. Wilson,

The rules were suspended and resolution read second time now, by title.

On motion of Mr. Vansyckle,

The rules were further suspended and resolution read third time, passed and title agreed to.

Messrs. Struve and Wilson were appointed by the Chair as Committee on Joint Rules.

H. J. M. No. 1—Relating to a naval arsenal and dry-dock in the Territory of Washington, was read first time.

On motion of Mr. Struve,

The rules were suspended and memorial read second time now by title.

On motion of Mr. Wilson,

The memorial was referred to Committee on Commerce.

H. J. M. No. 2—Relative to fortifications on Puget Sound, in the Territory of Washington, was read first time.

On motion of Mr. McLane,

The rules were suspended, and memorial read second time now by title.

On motion of Mr. Struve,

The memorial was referred to Committee on Military Affairs.

H. J. M. No. 3—Relating to mail facilities in the Territories of Washington and Alaska, was read first time.

On motion of Mr. McLane,

The rules were suspended and memorial read second time now by title.

On motion of Mr. Bradshaw,

Memorial was referred to Committee on Memorials.

H. J. M. No. 4—Relating to Lighthouse in W. T., was read first time.

On motion of Mr. Wilson,

The rules were suspended and memorial read second time, now by title.

On motion of Mr. Wilson,

The memorial was referred to Committee on Memorials.

H. J. M. No. 7—Asking Congress for aid in building a Railroad from Puget Sound to the Columbia river in the Territory of Washington.

Read first time.

On motion of Mr. Newell,

Memorial was laid on the table.

On motion of Mr. Newell,

The contested election was made the special business for to-morrow at eleven o'clock.

On motion of Mr. Vansyckle,

Council adjourned until to-morrow morning at eleven o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Saturday, Dec. 14th, 1867.

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Struve, Chairman of Committee on Judiciary, submitted the following report:

MR. PRESIDENT:

I am instructed by the Committee on Judiciary to report back Council Resolution No. 1, requiring Judiciary Committee to report the opinions of the Supreme Court, with a recommendation for its passage.

H. G. STRUVE,

Chairman.

Mr. Wilson, Chairman of the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:

Your Committee on Engrossed Bills have examined C.

B. No. 1, and report the same correctly engrossed.

E. A. WILSON,

Chairman Committee,

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 12th, 1867.

MR. PRESIDENT:—

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 19—An act entitled an act relating to common schools in the county of Walla Walla.

H. B. No. 20—An act to authorize Hazard Stevens and others to construct a road from Wallula, Walla Walla Co., W. T., to Cow creek, Stevens county, W. T., and to establish a ferry across Snake river.

Also, the passage of H. B. No. 5—An act changing the name of Pinckney City, the county seat of Stevens county, to Fort Colville.

H. B. No. 12—An act to change the name of Wm. Smith, Jr., to William Henry Davis.

L. B. ANDREWS,

Chief Clerk.

C. R. No. 1, requiring Judiciary Committee to report decisions of the Supreme Court, was read second time.

Mr. Wilson moved

To lay the resolution on the table. Pending the debate on this motion.

Mr. Newell called for reading of the resolution for information,

Resolution read.

Division called for.

Motion carried and resolution laid on the table.

Engrossed C. B. No. 1, exempting firemen from jury duty

and from paying certain taxes.

Read third time, passed, and title agreed to.

On motion of Mr. Wilson,

H. J. M. No. 7, asking Congress for aid in building a Railroad from the Columbia river to Puget Sound, was taken from the table and read second time.

On motion of Mr. Blinn,

Memorial was referred to Committee on Memorials.

H. B. No. 5—An act changing the name of Pinckney City to Fort Colville.

Bill read first time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read second time, now by title.

On motion of Mr. Struve,

Referred to Committee on Corporations.

H. B. No. 12—An act to change the name of Wm. Smith, Jr., to Wm. Henry Davis.

Bill read first time.

On motion of Mr. McLane,

The rules were suspended and bill read second time, now by title.

Mr. Vansyckle in the Chair.

Mr. Bradshaw moved

To refer H. B. No. 12 to Committee on Education.

Carried, and bill so referred.

Mr. President in the Chair.

Mr. Longmire, one of the contestants, on invitation took a seat within the bar of the Council.

On motion of Mr. Vansyckle,

The contested case between Messrs. Longmire and McLane, was set for 10 o'clock on Monday next.

On motion of Mr. Wilson,

Council adjourned until 10 o'clock, A. M., on Monday next.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Monday, Dec. 16th, 1867. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of Saturday read and approved.

On invitation, Mr. Longmire one of the contestants, and Messrs. Garfield and McFadden, counsel for the contestants, took seats within the bar of the Council.

On motion of Mr. Wilson,

The Council proceeded to the special business set for the day.

His Excellency the Governor, the Hon. Secretary of the Territory, the Hon. Speaker of the House of Representatives and members of the press, on invitation took seats within the bar of the Council.

Mr. Vansyckle, Chairman of the Committee on Elections, opened the contested election case by moving that the minority report of that Committee be adopted.

The Hon. O. B. McFadden appeared as the attorney of James Longmire, and Hon. Selucius Garfield as the attorney for Wm. McLane.

After an examination of the evidence and papers in this case,

On motion of Mr. Newell,

The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P.M.

Council called to order.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, McLane, Newell, Struve, Tripp, Vansyckle and Wilson.

The opening argument in the contested election case was made by the Hon. O. B. McFadden on behalf of Mr. Longmire.

After which, Mr. Tripp moved

That the Council do now adjourn until 10 o'clock to-morrow morning.

Division called for.

Carried.

And Council so adjourned.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER, W. T.

Tuesday, Dec. 17th, 1867.

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Blinn, Barrington, McLane, Newell, Tripp, Vansyckle, Wilson and Struve.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Tripp, Chairman of the Committee on Corporations, submitted the following report with substitute bill:

MR. PRESIDENT

Your Committee on Corporations, to whom was referred H. B. No. 5—Providing for changing the name of Pinkney City, in Stevens county, to Fort Colville, has had the same under

consideration, and recommend the enclosed bill as a substitute for the original, as received from the House.

Respectfully submitted,

A. G. TRIPP,

Chairman of the Committee.

On motion of Mr. McLane,

The report of the Committee was received.

Mr. Barrington, Chairman of Committee on Commerce, submitted the following report:

MR. PRESIDENT:

The Committee on Commerce have had under consideration H. J. M. No. 1 relative to a naval arsenal and dry-dock in the Territory of Washington, and report the same back and recommend its passage.

E. BARRINGTON,

Chairman.

On motion of Mr. Wilson,

The report was received.

Mr. Wilson, Chairman of the Committee on Education, submitted the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred H. B. No. 12, an act to change the name of Wm. Smith, Jr., to Wm. Henry Davis, have had the same under consideration, and report that they recommend that the bill do pass.

E. A. WILSON,

Chairman.

On motion of Mr. Barrington,

The report was received.

Mr. Struve, Chairman of Committee on Ways and Means, submitted the following bill and report:

AN ACT for the relief of the Sisters of Charity of the House of Providence.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of five thousand five hundred and forty-one dollars and eighty cents be and the same is hereby appropriated to the Sisters of Charity of the House of

Providence, out of any funds in the Territorial Treasury not otherwise appropriated; the above amount being a balance due said Sisters of Charity for keeping the insane and idiotic persons of this Territory from the years A. D. 1862 to A. D. 1866 inclusive.

SEC. 2. The Territorial Auditor is hereby instructed to draw a warrant in favor of the said Sisters of Charity, on the Territorial Treasury, for the above named sum, together with ten per cent. per annum interest thereon since the 19th day of July, A. D. 1866, and until the same shall be redeemed; the said warrant to be paid out of any funds in said Treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

REPORT OF COMMITTEE ON WAYS AND MEANS.

MR. PRESIDENT :

Your Committee on Ways and Means, to whom was referred that portion of the Governor's message relating to the claim of the Sisters of Charity of the House of Providence against the Territory of Washington, beg leave to report that they have carefully examined the facts, so far as they have been able to ascertain from the official documents and other evidence submitted to your Committee, and they find the following facts from the evidence submitted :

That the Governor and Auditor made and entered into a contract with the Sisters of Charity, on the 22d day of October, A. D. 1862, for the safe keeping, care and medical treatment, in Vancouver, of all the insane and idiotic persons of said Territory that might be sent to them, in consideration of which they were to receive eight dollars per week for every such insane or idiotic person received by them, all of which more particularly appears by a copy of said contract hereto annexed and marked exhibit "A."

That in pursuance of the terms of the said contract, the said Sisters of Charity immediately entered upon the perform-

ance of the same; they provided, at great expense, safe and comfortable quarters, and bestowed upon the patients proper and humane care and attention; rendered all needed medical treatment; and furnished good, wholesome food and suitable clothing. Your Committee state these last named facts upon the strength of the messages, reports, and other executive documents submitted to the Legislature from time to time by the Governor of Washington Territory, whose special duty it was made by law to secure the faithful performance of the contract.

The third article of the contract provides, that at the end of every three months, said Sisters shall make out and transmit to the Governor and Auditor a statement showing the number of insane under their care, their names, the dates of their arrival, and the sum due from the Territory for each several patient for that time.

In accordance with the requirements of the above cited article of the agreement, accounts were rendered, showing the amounts due at the end of each quarter, as follows:

From October 22, 1862, to July 22, 1863.....	\$1,010 28
From July 22, 1863, to October 22, 1863.....	582 84
From October 22, 1863, to March 31, 1864.....	970 20
From April 1, 1864, to June 30, 1864.....	520 00
From July 1, 1864, to September 30, 1864.....	520 00
From October 1, 1864, to December 31, 1864.....	573 70
From January 1, 1865, to March 31, 1865.....	538 26
From April 1, 1865, to June 30, 1865.....	614 84
From July 1, 1865, to September 30, 1865.....	904 00
From October 1, 1865, to December 31, 1865.....	1,006 00
From January 1, 1866, to March 31, 1866.....	1,019 42
From April 1, 1866, to July 19, 1866.....	1,757 56

\$10,107 10

But the Territory, instead of paying promptly at the end

of every three months, delayed payment from time to time; some of the payments being made from twelve to twenty months after due and is even yet in arrears, and your Committee would further report, that such payments were made in legal tender notes, counting them at par. Your Committee is constrained to believe, that at the time the parties made said contract, payments due upon the same were contemplated to be made in coin, and not in legal tender notes. In this opinion we are fortified by statements of the Hon. J. E. Wyche, one of the Judges of the Supreme Court, who drew the contract by request of the parties, and also by a letter from that gentleman to his Excellency Governor Pickering, under date of December 24th, 1866, which said letter is also annexed to this report, marked exhibit "B."

R. M. Walker, Esq., Territorial Auditor, and one of the parties to the contract, in his report to the eleventh session of the Legislative Assembly, made on the 4th of January, A. D. 1864, in reference to the keeping of the insane and idiotic of the Territory, holds the following language:

"The contract price for keeping these patients, including board, clothing, washing, medicines, medical attendance and nursing, is eight dollars per week, made on a cash basis. The price is low for the service rendered, and should be paid in coin. The keepers of the insane of the State of Oregon receive twelve dollars per week, in coin, and the patients of that Asylum are not more tenderly cared for than those of our own Territory are by the Sisters at Vancouver. I can bear witness, from a personal examination, of the admirable manner in which the Asylum of the Sisters is conducted. Every department is cleanly and in good order, and no pains or labor seems to be spared to make the inmates comfortable. Shower and other baths are prepared, conducing much to the health and comfort of the patients.

"The contract price, if paid in cash, the Sisters inform me,

would be satisfactory to them, although they deem it an insufficient remuneration for the trouble and expense incurred.”

We also call the attention of the Council to the appendix of the Council Journal of 1863, (tenth session) containing a communication from the Oregon Insane Asylum to a special Committee of the Council, by which it appears that the managers of that institution demanded the sum of twelve dollars per week in coin for each patient, which was then and is now the price paid by the State of Oregon.

There are other documents in the possession of your Committee, and herewith submitted to the Council, which corroborate the fact that payment upon the contract was intended to be made in coin.

In view of all these facts, your Committee are of the opinion that the contracting parties, at the time of making said contract, had in view coin; otherwise provisions would have been made so as to meet the ever uncertain market value of legal tender notes.

The following exhibit will show the amounts received, the time when, and the current value of legal tenders at the time:

	LEGAL TENDERS.	COIN.
May 1, 1864,	\$ 355 00, value at 62½.....	\$ 221 87
July 14, 1864,	545 00, “ at 45.....	245 25
December 26, 1864,	1,700 00, “ at 44.....	748 00
January 17, 1865,	1,057 00, “ at 45.....	475 65
January 26, 1866,	2,057 00, “ at 70.....	1,438 00
June 20, 1866,	600 00, “ at 69.....	414 00
August 26, 1866,	500 00, “ at 71.....	365 00
July 19, 1866, on account of Maria Lane, W. W.....		357 75
December 20, 1866,	2,580 00, value at 72.....	1,857 00
	\$9,384 00	\$6,115 00

From the several tabular statements above set forth, it then

appears that the whole amount due the Sisters upon their contract, exclusive of interest which accrued by failure to make payments at the time required to be made by law, was the sum of \$10,107 10 in coin, of which the sum of \$6,115 00 in coin has been paid; leaving now due and unpaid the sum of three thousand nine hundred and ninety-two dollars and ten cents (\$3,992 10) in coin; or, if reduced to the present market rates of legal tender notes, the sum of five thousand five hundred and forty-one dollars and 80 cents, together with legal rate of interest (ten per cent. per annum) from the 19th day of July, A. D. 1866, that being the time when the last payment under the contract became due.

The subject was presented for the consideration of the last Legislative Assembly, at a late day of their session, and therefore failed to receive that careful attention which its importance demands. An enlightened public sentiment and a sense of justice would seem to demand that the just and equitable claim of the Sisters of Charity should not be disregarded; and therefore your Committee report herewith a bill entitled "An Act for the relief of the Sisters of Charity of the House of Providence, with a recommendation for its passage.

H. G. STRUVE,

Chairman of Committee on Ways and Means,

W. H. NEWELL,

M. BLINN,

EXHIBIT "A."

COPY OF CONTRACT.

THIS CONTRACT, made and entered into this the 22d day of Oc-

tober, A. D. 1862, between the Governor and Auditor of Washington Territory, the party of the first part, and the Sisters of Charity of the House of Providence, in the Territory of Washington, the party of the second part, *witnesseth*:

That said Governor and Auditor, by virtue of a law passed January 29, 1862, entitled, an act to provide for the safe keeping, care and medical treatment of insane and, idiotic persons, do hereby contract with the said Sisters for the safe keeping, care and medical treatment, in Vancouver, in said Territory, of all the insane and idiotic persons of said Territory that may be sent to them, upon the following terms, viz:

1st. The said Sisters are to be paid by the Territory of Washington the sum of eight dollars per week for every such insane or idiotic person received by them.

2d. Said payment is to be made at the expiration of every three months.

3d. Said Sisters, at the end of every three months, shall make out and transmit to the Governor and Auditor a statement, showing the number of the insane under their care; their names; the dates of their arrival; and the sum due from the Territory for each patient for that time.

4th. Said Sisters to provide safe and comfortable quarters for the keeping of the insane and idiotic, and to receive any number of such that may be sent to their care.

5th. Said Sisters to bestow upon such insane and idiotic all such care and attention, as may be proper and humane, and to render such medical treatment as may be needed, and to furnish good, wholesome food and suitable clothing.

6th. This contract to be and continue in force for the period of three years from and after the 22d of October, A. D. 1862.

In testimony whereof, we, the parties above named, have

hereinto set our hands and seals this the day and year above written.

(Signed) WILLIAM PICKERING, [L. S.]

Governor of Washington Territory.

R. M. WALKER, [L. S.]

Auditor, W. T.

SISTER JOSEPH, [L. S.]

Superioress.

SISTER BLANDINA, [L. S.]

Secretary.

EXHIBIT "B."

LETTER FROM JUDGE WYCHE.

WALLA WALLA, W. T., }
December 24th, 1866. }

HON. WM. PICKERING,
Governor of Washington Territory.

Dear Sir:

I paid the Sisters the \$2580 in currency received from you, as will appear by the enclosed receipt, and you will find enclosed a statement of the Sisters of their account with the Territory for the keeping of the insane. You will see that, crediting the Territory with the legal tenders at current rates when paid, there is still due from the Territory the sum of \$3,922 08 in coin. I think this claim against the Territory is founded in justice, and must commend itself favorably to the Legislature. When the contract was made, in October, 1862, there were no legal tenders in circulation on this coast, and the contract was understood to be for coin; and by reference to the several receipts furnished your Department, it will be seen that the receipts always state the market value of the currency when re-

ceived, and the Institution never presumed that any greater payment was being made than what the coin value of the receipts express. If, on this coast, one citizen pays his creditor in currency at par, he is advertised as a swindler, and all good people and honest tradesmen are warned against him; and I know no law of ethics that would make such a payment of the Territory any more conscionable.

There is another consideration in favor of this claim, namely, that the payments were made long after the times fixed in the contract.

You will see that, by the terms of the contract, payment was to be made at the end of each quarter, while in fact the first payment was not made till May, 1864, nearly twenty months after the contract was made; and the receipts will show that all the payments were made many months after due. When, as I know to be the fact in this case, the institution was borrowing money and paying interest, this failure of prompt payment worked a hardship to the Sisters.

As you will remember, I drew the contract, made and conveyed all or nearly all the payments made, and I know the contract was understood for coin; and from my own observation and from the testimony of all whom I have heard speak of the matter, I am satisfied that the contract was performed by the Sisters with great fidelity, and that they go before the Legislature for justice with clean hands. I know the Territory is poor and the Treasury empty; but no country is so poor as that it fails to do justice to its citizens; and the Territory having undertaken, in the highest spirit of philanthropy to take care of the insane, will not do any injustice to any of her people in the performance of this high work. If it is not practicable to pay this indebtedness now, it might be acceptable if the Legislature would authorize a warrant in favor of the Sisters to be issued, with ten per cent. interest till paid, although I have no authority for making this suggestion.

The support of the insane is quite a tax on the public; and

I believe no State or Territory in the history of our country, with the small population and slender resources of this Territory, has entered upon this noble work. I consider this greatly to the good name of the Territory, and yet it seems to me that if the number of the insane and the poverty of the Territory were presented to Congress, we might obtain an appropriation either of land or money for building an Asylum and taking care of the insane.

But I am extending this communication, and will dismiss the subject with the hope that your Excellency will submit the claim of the Sisters to the Legislature with a most favorable recommendation.

With great respect, yours,

J. E. WYCHE.

On motion of Mr. Wilson,

The reading was dispensed with, and report and bill ordered printed.

The following message was received from the House of Representatives by their Clerk :

HOUSE OF REPRESENTATIVES,
Tuesday, December 17th, 1867. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. B. No. 21—An act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington.

Substitute for H. B. No. 1, an act entitled an act to prevent the burning of the prairie and grass lands in the counties of Walla Walla, Stevens, Yakima and Klikitat.

H. B. No. 22—An act concerning marks and brands.

H. B. No. 24—An act to appropriate money to complete the construction of a certain road.

H. B. No. 25—An act to legalize the acts of County Commissioners in certain counties.

H. B. No. 26—An act to fix the time for holding the sessions of the Legislative Assembly of the Territory of Washington.

H. B. No. 27—An act to amend an act entitled an act to incorporate the city of Walla Walla.

Also the introduction and passage of H. B. No. 23, to repeal an act entitled an act to amend an act in relation to licenses in King county.

Also the introduction and passage of H. J. R. No. 4, relative to the revising and codifying the laws of Washington Territory.

L. B. ANDREWS,

Chief Clerk.

On motion of Mr. Wilson,

The rules were suspended and the Council proceeded to the business appointed as the order of the day.

The Chair announced that the counsel in the contested case for the sitting member would now be heard. Hon. S. Garfield, counsel for Wm. McLane, addressed the Council until noon, when,

On motion of Mr. Struve,

The Council adjourned until half-past 1 P. M.

HALF-PAST ONE P. M.

Council called to order.

Present—Messrs. Barrington, Blinn, McLane, Newell, Struve, Tripp, Vanysekle and Wilson.

Hon. S. Garfield, on leave,

Resumed the argument, and on concluding, was replied to by Hon. O. B. McFadden, closing the argument of contestant counsel.

Mr. Barrington in the Chair.

On motion, Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Dec: 18th, 1867. }

Council met pursuant to adjournment:

Mr. President in the Chair.

Present—Messrs. Barrington, Blinn, McLane; Newell,
Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Minutes of yesterday read and approved:

C. B. No. 5—An act to amend an act entitled an act to apportion the members of the Council and members of the House of Representatives of the Territory of Washington:

Bill read second time:

Mr. Struve moved

Its reference to Committee on Elections:

Mr. Wilson moved

To amend by referring to Committee on Counties:

Amendment accepted.

Motion as amended, carried, and bill so referred:

On motion of Mr. Newell,

The Committee on Counties was instructed to report a bill based upon the returns of the Delegate election of 1867.

Substitute for H. B. No. 5, an act changing the name of Pinkney City to Fort Colville, was read first time and passed to second reading.

H. J. R. No. 4—Relating to the revising and codifying of the laws of Washington Territory.

Read first time.

Mr. Newell moved

To lay the resolution on the table.

Motion lost.

Resolution passed to second reading.

H. B. No. 23—An act to repeal an act entitled an act to amend an act in relation to licenses in King county.

Read first time and passed to second reading.

Mr. Vansyckle, with the consent of the second, withdrew his motion made on Monday last to adopt the minority report of the Committee on Elections.

Mr. Vansyckle in the Chair.

On motion of Mr. Bradshaw,

The seat of Hon. Wm. McLane was declared vacant.

On motion of Mr. Newell,

The following resolution was unanimously adopted :

Resolved by the Council, That his Excellency, Governor Moore, be and he is hereby requested to order an election to fill the vacancy in the Council District composed of Lewis and Thurston counties.

On motion of Mr. Struve,

Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Thursday, Dec. 19th, 1867. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Blinn, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Dec. 19th, 1867. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of

House Bill No. 11—An act to fix the times for holding the County Commissioners' Courts in certain counties.

Also, the introduction of H. J. M. No. 9, relative to the abolition of duties on materials for shipbuilding.

H. J. M. No. 10—Relative to homestead and pre-emption laws.

A substitute for H. B. No. 8—An act in relation to fees and costs in civil actions.

H. B. No. 28—An act to amend an act entitled an act establishing a common school system for the Territory of Washington.

Also, the introduction and passage of H. J. R. No. 5, relative to adjournment during the holidays.

L. B. ANDREWS,
Chief Clerk.

Mr. Struve, Chairman of Special Committee on Joint Rules, submitted the following report:

MR. PRESIDENT:

Your Special Committee on Joint Rules beg leave to report that they have consulted with a like Committee from the House, and it was agreed to recommend the adoption of the Joint Rules in force at the last session of the Legislative Assembly. Your Committee therefore recommend the adoption of the following resolution:

Resolved by the Council, the House concurring, That the Joint Rules in force at the last regular session of the Legislative Assembly be and the same are hereby adopted for the present session.

H. G. STRUVE,
Chairman.

Mr. Newell, on leave, introduced C. J. M. No. 2, relative to compensating W. B. King for certain mail services.

Read first time.

On motion of Mr. Wilson,

Council took a recess of twenty minutes.

Council called to order.

Roll called.

Members all present as before.

Mr. Struve asked for leave of absence from the Council until after the holidays.

On motion of Mr. Vansyckle,

Leave was granted.

Mr. Barrington asked for leave of absence from the Council until after the holidays.

Leave granted.

On leave, Mr. Barrington introduced C. B. No. 8, an act defining the boundaries of Island county, W. T.

Read first time and passed to second reading.

On motion of Mr. Struve,

The rules were suspended and C. R. No. 1, requiring the Judiciary Committee to report the opinions of the Supreme Court, was read third time, passed and title agreed to.

H. J. R. No. 4, relative to revising and codifying the laws of Washington Territory, was read second time.

Mr. Wilson moved

That the resolution lay on the table.

Mr. Newell in the chair.

Argument by Messrs. Bradshaw, Wilson and Blinn on the tabling of the resolution.

Mr. President in the chair.

Argument continued by Messrs. Newell and Vansyckle.

Mr. Blinn moved

That the resolution be amended by striking out the name of Chas. B. Darwin, and that the name of B. F. Dennison be inserted therein in its stead.

On this question the ayes and noes were called with the following result:

Ayes—Messrs. Blinn, Newell, Struve, Tripp and Wilson—5.

Noes—Messrs. Barrington, Vansyckle and Mr. President—3.

Carried and resolution so amended.

Mr. Vansyckle moved,

As a further amendment, that the name of B. F. Dennison be stricken out and that of O. B. McFadden inserted instead thereof.

Division called and motion lost.

Mr. Vansyckle moved to adjourn.

Motion lost.

On motion of Mr. Wilson,

H. J. R. No. 4 was referred to Committee on Judiciary, with instructions to report to-morrow morning at eleven o'clock.

On motion of Mr. Vansyckle,

Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Friday, Dec. 20th, 1867. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Blinn, Newell, Tripp, Vansyckle and Wilson.

Absent on leave, Messrs. Struve and Barrington.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Friday, Dec. 20, 1867. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of H. B. No. 4, an act to prescribe the time when all laws of a general nature shall be deemed to be in force.

L. B. ANDREWS,

Chief Clerk.

Mr. Wilson, Chairman of Committee on Counties, reported progress and asked for further time, which was granted.

Mr. Newell, on leave, introduced C. B. No. 9, an act for the relief of James Longuire and Henry Miles.

Read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now.

On motion of Mr. Vansyckle,

Bill was referred to Committee on Military Affairs, with instructions to report to-morrow morning.

Mr. Vansyckle, on leave, introduced C. B. No. 10, an act providing for the payment of Council Committees in the contested case of Messrs. McLane and Longuire,

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read second time, now, by title.

On motion of Mr. Vansyckle,

Referred to Committee on Military Affairs.

Mr. Tripp moved

To reconsider the vote on H. J. R. No. 4, whereby the name of C. B. Darwin was stricken out and that of B. F. Denison inserted therein.

Mr. Vansyckle moved

To lay the whole subject on the table.

Motion carried.

C. B. No. 8—An act defining the boundary line of Island county, W. T.

Read second time.

On motion of Mr. Vansyckle,

Bill was referred to Committee on Counties.

Substitute for H. B. No. 5, an act changing the name of Pinkney City, county seat of Stevens county to Fort Colville.

Read second time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now, passed and title agreed to.

H. B. No. 23—An act to repeal an act entitled an act to amend an act in relation to licenses in King county.

Read second time.

On motion of Mr. Blinn,

Bill was referred to Committee on Engrossed Bills.

C. J. M. No. 2—Relative to compensating W. B. King for certain mail services.

Read second time.

On motion of Mr. Newell,

The rules were suspended and memorial read third time, passed and title agreed to.

H. J. M. No. 1, relative to a naval arsenal and dry dock in the Territory of Washington, was read third time, passed and title agreed to.

H. B. No. 12, an act to change the name of Wm. Smith, Jr., to Wm. Henry Davis, was read third time, passed and title agreed to.

H. J. R. No. 5—Relative to adjournment during the holidays.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and resolution read second time, now.

On motion of Mr. Vansyckle,

Referred to Committee on Education with instructions to report to-morrow morning.

H. B. No. 11—An act fixing the time for holding County Commissioners' Courts in certain counties.

Read first time.

On motion of Mr. Blinn,

The rules were suspended and bill read second time, now.

On motion of Mr. Blinn,

Referred to Committee on Counties.

H. B. No. 4—An act to prescribe the time when all laws of a general nature shall be deemed to be in force.

Read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now.

On motion of Mr. Wilson,

The rules were further suspended and bill read third time, passed and title agreed to.

Mr. Blinn moved

That a Committee be appointed to wait upon the Public Printer and inform him that the Council must have their printing more promptly done.

Motion carried.

Messrs. Blinn and Newell were appointed by the Chair as such Committee.

Mr. Vansyckle submitted the following resolution:

Resolved, That Hon. E. L. Smith, Secretary of the Territory, be and is hereby requested to furnish each member of this Council with a copy of all the statutes from 1862 down to 1867-8.

On motion of Mr. Blinn,

The resolution was adopted.

On motion of Mr. Blinn,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Saturday, December 21st, 1867. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Blinn, Newell, Tripp, Vansyckle and Wilson.

Absent—On leave, Messrs. Barrington and Struve.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Saturday, December 21st, 1867.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of H. B. No. 3, an act to amend an act entitled an act establishing a common school system for the Territory of Washington.

Also the concurrence of the House in C. J. R. No. 3, relative to penitentiary buildings.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Wilson,

The rules were suspended, and H. J. R. No. 5, relative to adjournment over the holidays, was taken up.

Mr. Wilson, Chairman of the Committee on Education, submitted the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred H. J. R. relative to adjournment, have had the same under consideration, and beg leave to report a substitute for the same.

E. A. WILSON,
Chairman.

On motion,

The report was received and the committee discharged.

On motion of Mr. Vansyckle,

The substitute recommended by the committee for H. J. R. No. 5 was adopted.

On motion of Mr. Vansyckle,

Resolution was read third time, passed and title agreed to.

On motion of Mr. Wilson,

The Clerk was instructed to report to the House of Representatives forthwith the passage by the Council of H. J. R. No. 5.

Recess for fifteen minutes.

Council called to order.

Members all present as before.

Prayer by the Chaplain.

Mr. Tripp, Chairman of Committee on Military Affairs, asked for further time to report.

Further time granted.

Mr. Blinn, Chairman of Committee on Engrossed Bills, to whom was referred H. B. No. 23, an act relative to licenses in King county, submitted the following report:

MR. PRESIDENT:

Your Committee on Engrossed Bills have had the same under consideration, and beg leave to report the same back to the Council and recommend that the second section be stricken out.

M. BLINN,
Chairman.

On motion of Mr. Wilson,

The report was received and the Committee discharged from further consideration of the subject.

The following message was received from the House of Representatives by their Clerk:

MR. PRESIDENT:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 21st, 1867.

I am instructed by the House of Representatives to inform the Council of the concurrence by the House of Representatives in Council substitute for H. J. R. relative to adjournment over the holidays.

L. B. ANDREWS,
Chief Clerk.

Pending the debate on the adoption of H. B. No. 23,

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 21, 1867.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the concurrence in the House of Representatives in

Council substitute for H. B. No. 5, an act changing the name of Pinkney City to Fort Colville.

L. B. ANDREWS,

Chief Clerk.

The following communication was received from the Hon. Secretary of the Territory:

SECRETARY'S OFFICE,

Olympia, W. T., Dec. 21st, 1867.

Hon. C. M. Bradshaw,

President of the Council,

Territory of Washington.

SIR: I have the honor to acknowledge the receipt of the annexed resolution of the Hon. Council, requesting the Secretary to furnish each member with a copy of all the statutes from 1862 down to 1867-8. In reply, I have to state that this office is in possession of none of the statutes referred to with the exception of a few copies of 1866-7.

I am informed that Mr. George A. Barnes has for sale a large number of copies of the statutes of 1862-3, which could be purchased by the Territory at a reasonable price. I regret to say that I am not authorized to make an expenditure of this nature out of the Legislative fund appropriated by the general government.

I am, very respectfully,

Your obedient servant,

E. L. SMITH,

Secretary of Washington Territory.

Mr. Blinn moved

For the adoption of H. B. No. 23, with amendment as recommended by Committee.

Division called for and motion lost.

Mr. Blinn moved

That H. B. No. 23 be made the special order of the day for the fourth day of January next.

Motion lost.

Bill read third time, passed and title agreed to.

On motion of Mr. Vansyckle,

The Clerk was instructed to report to the House forthwith the passage by the Council of H. B. No. 23.

Mr. Tripp, Chairman of Committee on Military Affairs, submitted the following report:

MR. PRESIDENT:

Your Committee on Military Affairs, to whom was referred C. B. No. 9, recommend the passage of the bill. Your Committee would further report in favor of the payment of the expenses incurred by the Committee on Elections; but previous to the passage of any bill for that purpose, deem it proper that the Chairman of the Committee on Elections should submit a certified account, setting forth the items of indebtedness and the names of the parties to whom due. With this information, the Council will be able to act understandingly, and with due regard to the interests of the Territory and also of the claimants.

Respectfully submitted,

A. G. TRIPP,

Chairman.

On motion, report received and Committee discharged from further consideration of the subject.

Mr. Blinn, Chairman of Special Committee appointed to wait upon the Public Printer, submitted the following communication:

PACIFIC TRIBUNE OFFICE,
Olympia, Dec. 21st, 1867. }

To Hon. Messrs. Blinn and Newell,

Council Committee, &c.—

GENTLEMEN: In reply to your inquiry of yesterday, as to the delay in executing the printing for the honorable body which you represent, I beg respectfully to state that I have used all the diligence in my power to meet your wants in regard to printing bills, etc., but have found it, thus far, impossible. The reason for this, I am informed and truly believe, is the very large excess of work over former sessions of the Legislature.

So great has been the amount of work placed in my hands, that it is questionable whether there is a printing establishment north of San Francisco competent to execute it as rapidly as it is created. There is nearly thrice the usual amount of work on the Governor's message alone; in addition to which I have in hand a report from your Committee of Ways and Means, on which there is at least an equal amount of labor; also a voluminous report from the House on the Territorial University, containing more than double the amount of matter than either the message or the report referred to; also an unusual number of bills from both Houses.

I have labored earnestly but vainly to keep pace with your honorable body. During the suspension of your labors consequent upon the holidays, I entertain a confident hope of disposing of the work which has accumulated on my hands.

Craving the forbearance of the honorable body which you represent, I am

Very respectfully yours,

CHAS. PROSCH.

C. B. No. 9—An act for the relief of James Longmire and Henry Miles.

Read third time, passed and title agreed to.

On motion of Mr. Newell,

The Clerk was instructed to report to the House forthwith the passage by the Council of C. B. No. 9.

C. B. No. 10—An act providing for the payment of expenses incurred by Council Committees in the contested election case.

Read third time, passed and title agreed to.

Mr. Vansyckle moved

That the President be authorized to sign any bill during vacation that may have passed the Council.

Motion lost.

On motion of Mr. Vansyckle,

The President was authorized to sign C. B. No. 9.

H. B. No. 3—An act to amend an act entitled an act estab-

lishing a common school system in the Territory of Washington.

Read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now by title.

On motion of Mr. Newell,

Referred to Committee on Education.

Mr. Wilson in the Chair.

Mr. Bradshaw moved that C. J. R. No. 4 be taken from the table and referred to Committee on Federal Relations.

Motion carried and resolution so referred.

On motion of Mr. Vansyckle,

Council adjourned agreeable to resolution.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Jan. 1st, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Newell, Vansyckle and Wilson.

There being no quorum present, the Council adjourned until 11 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 2d, 1868. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journals of Saturday, Dec. 21, and of yesterday, read and approved.

Mr. Newell, on leave, introduced C. B. No. 11, an act relating to justices of the peace in Walla Walla county.

Read first time.

Also, C. B. No. 12, an act regulating the fees of the probate judge in Walla Walla county.

Read first time.

On motion of Mr. Wilson,

Laid on the table and ordered printed.

On motion of Mr. Vansyckle,

Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 3d, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Blinn, Tripp and Wilson.

Absent—Messrs. Barrington, Struve, Newell and Vansyckle.

On motion of Mr. Tripp,

The Sergeant-at-Arms was instructed to procure the attendance of the absent members.

Mr. Tripp moved

That the Council do now adjourn until 10 o'clock to-morrow morning.

Division called for.

Motion carried and Council so adjourned.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Saturday, Jan. 4th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Blinn, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Wilson, Chairman of Committee on Counties, submitted the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred C. B. No. 8, an act defining the boundary lines of Island county; also, H. B. No. 11, an act fixing the time of holding the Commissioners' Courts in certain counties, have had the same under consideration, and beg to report the same back and recommend their passage.

E. A. WILSON,
Chairman.

Report received and Committee discharged from further consideration of the subject.

Mr. Wilson, on leave, introduced C. B. No. 13, an act to pay Wm. R. Downey for services and supplies on the Nachess pass road.

Read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now, by title.

On motion of Mr. Blinn,

Referred to Committee on Ways and Means.

C. B. No. 6—An act for the relief of the Sisters of Charity of the House of Providence.

Read second time.

On motion of Mr. Wilson,

Referred to Committee on Claims.

C. B. No. 8—An act defining the boundary lines of Island county, Washington Territory.

Read third time.

On motion of Mr. Vansyckle,

Laid on the table.

H. B. No. 11—An act to fix the time for holding the Commissioners' Courts in certain counties.

Read third time.

Mr. Tripp in the chair.

On motion of Mr. Bradshaw,

H. B. No. 11 was amended by striking out therefrom the word Clallam wherever it occurs.

Bill, as amended, passed and title agreed to.

Mr. President in the chair.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Saturday, January 4th, 1868.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. J. M. No. 11—Relative to the North Pacific Railroad.

H. J. M. No. 12—Praying for weekly service on mail route No. 15,404.

H. J. M. No. 13—In relation to buoying out the bar and channels of Shoalwater bay.

Also, H. B. No. 31—An act more specifically defining the duties of County and Territorial officers.

H. B. No. 32—An act for the relief of Whatcom county.

H. B. No. 33—An act in relation to public roads in Pierce county.

H. B. No. 34—An act in relation to roads and highways in the Territory of Washington, and defining the duties of road supervisors.

H. B. No. 35—An act creating county courts and consolidating county offices.

H. B. No. 36—An act to repeal an act entitled an act to provide for the public printing and the distribution of the laws and journals, approved January 19th, 1863.

Also, the passage of H. B. No. 7, an act to amend an act entitled an act defining county lines in Washington Territory.

Also, the passage of H. J. M. No. 6, relative to the Northern Pacific Railroad.

Also, the passage of H. J. M. No. 11, relative to the North Pacific Railroad.

Also, H. B. No. 21, an act to amend an act entitled an act to regulate the times of holding theseveral U. S. District Courts in the Territory of Washington.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Wilson.

The Council went into Committee of the Whole for the consideration of the Governor's message.

Mr. Struve was appointed Chairman, and on the rising of the Committee, submitted the following report:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration the Governor's message, and beg leave to report that they have considered the same and recommend as follows:

That so much of the message as relates to a wagon road across the Cascade mountains be referred to a Special Committee.

That so much of the message as relates to codification of the laws be referred to Committee on Judiciary.

That so much of the message as relates to general government be referred to Committee on Federal Relations.

That so much of the message as relates to manufacturing be referred to the hon. member from King and Kitsap.

That so much of the message as relates to agricultural affairs be referred to the hon. delegation from Walla Walla.

That so much of the message as refers to fisheries be referred to Committee on Commerce.

That so much of the message as relates to an asylum for

the insane and idiotic be referred to Committee on Ways and Means.

That so much of the message as relates to Pacific railroad be referred to a Select Committee, with instructions to bring in a memorial.

That so much of the message as relates to the late Gen. I. I. Stevens be referred to a Special Committee.

That so much of the message as relates to public debt be referred to Committee on Ways and Means.

H. G. STRUVE,
Chairman.

On motion of Mr. Struve,

The report was received and adopted.

The Chair appointed as Special Committee to whom should be referred that portion of the Governor's message relating to a wagon road over the Cascade mountains, Messrs. Wilson, Tripp and Blinn. As Special Committee to whom should be referred that part of the Governor's message relating to Pacific Railroad, Messrs. Struve, Newell and Blinn. As Special Committee to whom should be referred that part of the Governor's message relating to the late General Isaac I. Stevens, Messrs. Vansyckle, Tripp and Barrington.

On motion of Mr. Newell,

C. B. No. 11, an act regulating the fees of Justices of the Peace in Walla Walla county was taken from the table and read second time.

On motion of Mr. Newell,

The rules were suspended, bill read third time, passed and title agreed to.

On motion of Mr. Newell,

C. B. No. 12, an act relating to the fees of the Probate Judge in Walla Walla county was taken from the table and read second time.

On motion of Mr. Newell,

The rules were suspended, bill read third time, passed and title agreed to.

On motion of Mr. Newell,

The Clerk was instructed to report to the House forthwith the passage by the Council of Council Bills No. 11 and 12.

On motion of Mr. Vansyckle,

Council adjourned until eleven o'clock Monday morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Monday, Jan. 6th, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Blinn, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Monday, Jan. 6th, 1868.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 37—An act amendatory to an act entitled an act in relation to the construction of roads and highways in Washington Territory and defining the duties of road supervisors, approved Jan. 30th, 1867.

H. B. No. 38—An act amendatory to an act entitled an act relating to elections and the mode of supplying vacancies, approved Jan. 23d, 1866.

H. B. No. 39—An act to provide for the removal of obstructions to navigation on the Chehalis river.

H. B. No. 40—An act to authorize Registers of Land Offices to take acknowledgments of Deeds within the Territory.

H. B. No. 41—An act to protect sheep and other domestic animals from the ravages of dogs.

Also, the passage of H. B. No. 28, an act to amend an act entitled an act establishing a common school system for the Territory of Washington.

Also, the introduction and passage of H. J. M. No. 14, relative to overflowed lands.

Also; that the Speaker has signed House Bill No. 4, an act to prescribe the time when all laws of a general nature shall be deemed to be in force.

H. B. No. 12—An act to change the name of William Smith, Jr., to William Henry Davis.

H. B. No. 23—To repeal an act entitled an act to amend an act in relation to licenses in King county.

H. J. M. No. 1—Relative to a naval arsenal and dry dock in the Territory of Washington.

L. B. ANDREWS,
Chief Clerk.

Mr. Barrington, Chairman of Committee on Claims, submitted the following report:

MR. PRESIDENT:

Your Committee on Claims, to whom was referred C. B. No. 6, entitled an act for the relief of the Sisters of Charity of the House of Providence, beg leave to report that they have examined the claims of the Sisters of Charity against the Territory, and believe the same to be just, and therefore recommend the passage of the bill without amendments.

E. BARRINGTON,
Chairman.

On motion, report received and Committee discharged from further consideration of the subject.

The chair appointed as Committee on Enrolled Bills, Messrs. Struve, Newell and Blinn.

Mr. Wilson, Chairman of Committee on Counties, submitted the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred C. B. No. 5, have had the same under consideration, and beg leave to report a substitute for the same, and recommend its passage.

E. A. WILSON,
Chairman.

On motion, the report was received and the committee discharged from further consideration of the subject.

Mr. Struve, on leave, introduced

C. J. M. No. 3, remonstrating against the removal of the depot of military supplies from Fort Vancouver, W. T., to Portland, Oregon.

Memorial read first time.

On motion of Mr. Newell,

The rules were suspended and memorial read second time, now, by title.

On motion of Mr. Newell,

The rules were further suspended, and the memorial read third time, passed and title agreed to.

On motion of Mr. Newell,

Five hundred copies of C. J. M. No. 3, as passed by the Council, were ordered printed, subsequent to its passage by the House.

On motion of Mr. Newell,

The Clerk was instructed to report to the House forthwith the passage by the Council of C. J. M. No. 3.

Mr. Newell, on leave, introduced

C. B. No. 14—An act regulating the fees of the County Auditor of Walla Walla county.

On motion of Mr. Newell,

The bill was laid on the table and ordered printed.

Mr. Newell, on leave, introduced

C. B. No. 15—An act to regulate fees and costs in Walla Walla county.

Read first time.

On motion of Mr. Newell,

The bill was laid on the table and ordered printed.

Mr. Newell, on leave, introduced

C. B. No. 16—An act regulating the fees of the Clerk of the District Court of Walla Walla county.

Read first time.

On motion of Mr. Newell,

Bill laid on the table and ordered printed.

Mr. Newell, on leave, introduced

C. B. No. 17—An act fixing the compensation of the Treasurer of Walla Walla county.

Read first time.

On motion of Mr. Newell,

Laid on the table and ordered printed.

Mr. Newell, on leave, introduced

C. B. No. 18—An act relating to establishing a Pilot Commission for the Columbia river, and defining their duties.

Read first time.

On motion of Mr. Vansyckle,

Laid on the table and ordered printed.

On motion of Mr. Wilson,

The rules were suspended, and H. B. No. 7 was taken up and read first time.

On motion of Mr. Tripp,

The rules were suspended and bill read second time, now, by title.

On motion of Mr. Blinn,

The rules were further suspended, and the bill read third time, and,

On motion of Mr. Blinn,

Made the special order of the day for to-morrow.

Mr. Newell in the chair.

Mr. Bradshaw, on leave, introduced

C. B. No. 19—An act defining and punishing libel.

Read first time, and,

On motion of Mr. Bradshaw,

Laid on the table and ordered printed.

On motion of Mr. Vansyckle,

Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Jan. 7th, 1868. }

Council met pursuant to adjournment.

Mr. President in the Chair.

Roll called.

Present—Messrs. Barrington, Blinn, Newell, Struve, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 7th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 42—An act to create the office of Territorial Superintendent of Common Schools, and define his duties.

H. B. No. 43—An act to amend an act entitled an act to incorporate the city of Port Townsend, Jefferson county, Washington Territory, passed January 8th, 1867.

H. B. No. 44—An act entitled an act to provide for the payment of interest on Territorial warrants.

Also the passage of H. B. No. 29—An act to amend an act

establishing a common school system for the Territory of Washington.

C. B. No. 11—An act relating to justices of the peace in Walla Walla county.

C. B. No. 12—An act to regulate the fees of the probate judge of Walla Walla county.

Also the passage of H. J. M. No. 9, relative to the abolition of duties on materials for shipbuilding.

H. J. M. No. 10—Relative to homestead and pre-emption laws.

H. J. M. No. 12—Praying for weekly service on mail route No. 15,404.

H. J. M. No. 13—In relation to buoying out the bar and channels of Shoalwater bay.

Also C. J. M. No. 2—Relative to compensating W. B. King for certain mail service.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Wilson.

The rules were suspended, and leave granted to the honorable member from Walla Walla to introduce a resolution; after which,

Mr. Newell introduced the following resolution:

Resolved, That the office of President of the Council be and the same is hereby declared vacant.

Mr. Tripp in the chair.

On motion of Mr. Wilson,

The rules were suspended, and resolution read second time now.

Mr. Wilson moved

That the rules be suspended, and the resolution read third time now.

On this question the ayes and noes were called, with the following result:

Ayes—Messrs. Barrington, Blinn, Newell, Struve, Tripp, Vansyckle and Wilson—7.

Noes.—None.

Motion carried, and resolution read third time and adopted.

On motion of Mr. Newell,

The Council proceeded to an election for a President to fill the vacancy.

Mr. Blinn put in nomination the Hon. H. G. Struve.

Mr. Wilson put in nomination the Hon. Marshall Blinn.

No other nominations being made,

The Council proceeded to an election with the following result:

Those voting for Hon. H. G. Struve were

Messrs. Barrington, Blinn, Newell and Vansyckle—4.

Those voting for the Hon. Marshall Blinn were

Messrs. Bradshaw, Struve and Wilson—3.

Mr. Tripp having been excused by the Council from voting upon this question.

Whole number of votes cast.....7.

Necessary to a choice.....4.

Mr. Struve having received the required number of votes, was declared duly elected President of the Council.

Mr. Wilson moved

That a committee be appointed to wait upon the Hon. H. G. Struve and escort him to the chair.

Motion carried, and Messrs. Wilson and Vansyckle appointed as such committee.

Mr. President in the Chair.

On motion of Mr. Vansyckle,

The Sergeant-at-Arms was despatched for one of the judges of the Supreme Court to administer the oath of office to the President.

Mr. Newell, on leave, introduced

The following resolution:

Resolved, That W. B. Grinnell, Enrolling Clerk, be and he is hereby dismissed, and that the office of Enrolling Clerk is declared vacant.

Mr. Barrington moved

That the rules be suspended, and the resolution read second time now.

Mr. Tripp moved

To lay the resolution on the table.

Motion lost.

The question recurring upon the original motion,

It was carried, and the resolution read second time.

Mr. Newell moved a further suspension of the rules, and the reading of the resolution a third time now.

The ayes and noes being called, resulted as follows:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Tripp—2.

Motion carried.

Resolution read third time and adopted.

On motion of Mr. Wilson,

The Council proceeded to the election of an Enrolling Clerk.

Mr. Blinn put in nomination J. W. Lisle.

Mr. Wilson put in nomination Hon. Elwood Evans.

No other nominations being made,

The Council proceeded to vote, with the following result:

Those voting for Mr. Lisle were

Messrs. Barrington, Blinn and Bradshaw—3.

Those voting for Mr. Evans were

Messrs. Newell, Tripp, Vansyckle, Wilson and Mr. President—5.

Whole number of votes cast.....8.

Necessary to a choice.....5.

Mr. Evans having received the required number of votes, was declared duly elected Enrolling Clerk of the Council.

On motion of Mr. Wilson,

The Council took a recess of twenty minutes.

Council came to order.

Roll called.

Members all present as before.

On motion of Mr. Blinn,

The Hon. J. E. Wyche, Associate Justice of the Supreme Court, was invited within the bar of the Council and administered the oath of office to the President.

After which, the President administered the oath of office to Elwood Evans, Enrolling Clerk.

On motion of Mr. Vansyckle,

Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Jan. 8th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following messages were received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 8th, 1868, }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the House of Representatives return to the Council H. B. No. 11, an act to fix the times for holding the County Commissioners' Courts in certain counties, for correction.

L. B. ANDREWS,

Chief Clerk.

HOUSE OF REPRESENTATIVES,
Wednesday, January 8th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. B. No. 10—An act to create and regulate the office of Inspector of Salmon.

C. J. M. No. 3—Remonstrating against the removal of the depot of military supplies from Fort Vancouver, W. T., to Portland, Oregon.

L. B. ANDREWS,
Chief Clerk.

Mr. Tripp, Chairman of Committee on Military Affairs, submitted the following report:

MR. PRESIDENT:

Your Committee on Military Affairs, to whom was referred H. J. M. No. 2, have had the same under consideration, and would report the same back and recommend its passage.

A. G. TRIPP,
Chairman.

Mr. Vansyckle, Chairman of Committee on Memorials, submitted the following reports:

MR. PRESIDENT:

Your Committee, to whom was referred H. J. M. No. 7, asking Congress for aid in building a Railroad from Puget Sound to the Columbia river, have had the same under consideration, and beg leave to report the same back and recommend its passage.

J. M. VANSYCKLE,
Chairman.

MR. PRESIDENT:

Your Committee, to whom was referred H. J. M. No. 4, relative to Lighthouses in Washington Territory, have had the

same under consideration, and beg leave to report the same back and recommend its passage.

J. M. VANSYCKLE,
Chairman.

MR. PRESIDENT:

Your Committee, to whom was referred H. J. M. No. 2, relative to mail facilities in the Territories of Washington and Alaska, have had the same under consideration, and beg leave to report the same back and recommend its passage.

J. M. VANSYCKLE,
Chairman.

The Chair announced that all the standing Committees of the Council, wherein the name of H. G. Struve appeared, would be changed by inserting instead thereof the name of Hon. C. M. Bradshaw.

Mr. Barrington, on leave, introduced

C. B. No. 19, an act to establish pilot and pilot regulations for the San Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

On motion of Mr. Wilson,

The reading of the body of the bill was dispensed with, tabled and ordered printed.

Mr. Wilson, on leave, introduced the following resolution:

Resolved, That the Committee on Printing be requested to call on the Public Printer and ascertain from him how many copies of the Governor's message have been furnished to the Council; and if the number ordered printed for the use of the Council has not been furnished, to ascertain how soon, if ever, they will be delivered, and also to request the Public Printer to furnish the Council journal more promptly.

On motion, the resolution was adopted.

Mr. Vansyckle, on leave, introduced the following resolution:

Resolved, That the Sergeant-at-Arms of this Council be and is hereby instructed to keep an account with the Public

Printer of each bill or pamphlet he may receive from him, and report to the Council at any time when called upon to do so.

On motion of Mr. Wilson,

The rules were suspended and resolution adopted.

C. B. No. 14—An act regulating the fees of Auditor of Walla Walla county

Read second time.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

C. B. No. 15—An act regulating the fees and costs in Walla Walla county.

Read second time.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

C. B. No. 16—An act regulating the fees of the Clerk of the District Court of Walla Walla county.

Read second time.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

C. B. No. 17—An act fixing the compensation of the Treasurer of Walla Walla county.

Read second time.

On motion of Mr. Barrington,

The rules were suspended, bill read third time, passed and title agreed to.

Substitute for C. B. No. 5—An act to amend an act entitled an act to apportion the members of the Council and members of the House of Representatives of Washington Territory, approved Jan. 31, 1867.

Read second time.

On motion of Mr. Wilson,

Laid on the table and ordered printed.

C. B. No. 6—An act for the relief of the Sisters of Charity of the House of Providence.

Read third time, passed and title agreed to.

H. J. M. No. 2—Relative to fortifications on Puget Sound in the Territory of Washington.

Read third time, passed and title agreed to.

H. B. No. 3—An act to amend an act entitled an act establishing a common school system in the Territory of Washington.

Read third time.

Mr. Newell moved an indefinite postponement of the bill.

Motion lost.

Bill passed and title agreed to.

H. J. M. No. 7—Asking Congress for aid in building a Railroad from Puget Sound to the Columbia river in Washington Territory.

Read third time, passed and title agreed to.

H. J. M. No. 4—Relative to Lighthouses in Washington Territory.

Read third time, passed and title agreed to.

H. J. M. No. 3—Relative to mail facilities in the Territories of Washington and Alaska.

Read third time, passed and title agreed to.

H. B. No. 7—An act to amend an act entitled an act defining county lines in the Territory of Washington.

Read third time, passed and title agreed to.

On motion of Mr. Wilson,

C. B. No. 8, an act defining the boundary lines of Island county, was now taken up, read third time, passed and title agreed to.

H. J. M. No. 11—Relative to Pacific Railroad.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and memorial read second time, now.

On motion of Mr. Vansyckle,

The rules were further suspended and memorial read third time, passed and title agreed to.

II..B. No. 10—An act to create and regulate the office of Inspector of Salmon.

Read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now.

On motion of Mr. Blinn,

Referred to Committee on Commerce.

II. B. No. 21—An act to amend an act entitled an act to regulate the times of holding the District Courts in the Territory of Washington.

Read first time.

On motion of Mr. Barrington,

The rules were suspended and bill read second time, now.

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

H. J. M. No. 14—Relating to overflowed lands.

Read first time.

On motion of Mr. Blinn,

The rules were suspended and memorial read second time, now, and,

On motion of Mr. Blinn,

Referred to Committee on Memorials.

H. J. M. No. 10—Relating to homestead and pre-emption laws.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and memorial read second time, now.

On motion of Mr. Vansyckle,

The rules were further suspended, memorial read third time, passed and title agreed to.

H. J. M. No. 6—Relative to the Northern Pacific Railroad.

Read first time.

On motion of Mr. Blinn,

The rules were suspended and memorial read second time, now.

On motion of Mr. Vansyckle,

The rules were further suspended, and the memorial read third time, passed and title agreed to.

H. B. No. 29—An act to amend an act entitled an act establishing a common school system in the Territory of Washington.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read second time, now, and,

On motion of Mr. Vansyckle,

Referred to Committee on Education.

H. J. M. No. 13—Relating to buoying out the channel of the bar of Shoalwater bay.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and memorial read second time, now, and,

On motion of Mr. Wilson,

Referred to Committee on Memorials.

H. J. M. No. 12—Praying for weekly mail service on mail route No. 15,404.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and memorial read second time, now.

On motion of Mr. Wilson,

Referred to Committee on Memorials.

H. J. M. No. 9—Relative to the abolition of duties on materials for shipbuilding.

Read first time.

On motion of Mr. Barrington,

The rules were suspended and memorial read second time, now, and

On motion of Mr. Vansyckle,
Referred to Committee on Commerce.

II. B. No. 28—An act to amend an act entitled an act establishing a common school system in the Territory of Washington.

Read first time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read second time, now.

On motion of Mr. Blinn,

Referred to Committee on Education.

Mr. Blinn, on leave, presented a petition, praying the Legislature to memorialize Congress to reimburse Isaac E. Higgins for damages sustained on San Juan Island from military officers of the United States Government.

On motion of Mr. Wilson,

The petition was received, laid on the table and ordered printed.

Mr. Vansyckle, on leave, introduced the following resolution:

Resolved, That the Hon. Secretary be and is hereby requested to forward to Washington, immediately, certified copies of the several memorials passed by this Legislative Assembly.

On motion of Mr. Tripp,

Council adjourned until to-morrow morning at eleven o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 9th, 1868. }

Council met, pursuant to adjournment.

Mr. President in the chair.

Roll-called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Wilson, Chairman of the Committee on Education, submitted the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred H. B. No. 29, an act to amend an act establishing a common-school system in the Territory of Washington, have had the same under consideration and recommend its indefinite postponement.

E. A. WILSON,
Chairman.

Mr. Vansyckle, Chairman of Committee on Memorials, submitted the following report :

MR. PRESIDENT :

Your Committee, to whom was referred H. J. M. No. 13, in relation to buoying out the bar and channel of Shoalwater bay, have had the same under consideration, and beg leave to report the same back and recommend that the same pass.

J. M. VANSYCKLE,
Chairman.

Mr. Wilson, on leave, introduced

C. B. No. 20, an act for the relief of H. E. Griffin, John M. Murphy and Levi Shelton.

Read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now, and,

On motion of Mr. Wilson,

Referred to Committee on Claims.

C. B. No. 18—An act relative to establishing a Pilot Commission for the Columbia River and defining its duties.

Read second time, and,

On motion of Mr. Vansyckle,
referred to Committee on Claims.

Mr. Wilson, on leave, submitted the following report:

MR. PRESIDENT:

Your Committee, to whom was referred H. B. No. 28, an act in relation to the common school system of Washington Territory, have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement.

E. A. WILSON,
Chairman.

C. B. No. 19—An act defining and punishing libel.

Read second time, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

H. B. No. 28—An act to amend an act establishing a common school system in the Territory of Washington.

Read second time, and,

On motion of Mr. Vansyckle,

Indefinitely postponed.

H. B. No. 29—An act to amend an act entitled an act establishing a common school system in the Territory of Washington.

Read second time, and,

On motion of Mr. Vansyckle,

Indefinitely postponed.

H. J. M. No. 13—Relative to buoying the bar and channel of Shoalwater bay.

Read third time, passed and title agreed to.

Substitute for C. B. No. 5—An act apportioning the members of the Council and the members of the House of Representatives of Washington Territory, was taken up.

Mr. Wilson moved

To lay the bill upon the table.

Division called for, motion carried and bill tabled.

Mr. Newell, Chairman of Committee on Ways and Means, on leave, submitted the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was re-

ferred C. B. No. 13, have had the same under consideration and recommend the passage of the bill.

W. H. NEWELL,

Chairman.

C. B. No. 13—An act to pay Wm. R. Downey for labor and supplies furnished on wagon road over Nachess pass.

Read third time, and, on the passage of the bill, the ayes and nays were called with the following result:

Ayes—Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Noes—Messrs. Blinn and Bradshaw—2.

Bill passed and title agreed to.

The President announced that he was about to sign the following bills and memorials:

A memorial relative to compensating W. B. King for certain mail services.

An act to regulate the fees of the Probate Judge of Walla Walla County.

An act relating to Justices of the Peace in Walla Walla county.

A resolution in relation to Territorial officers.

A resolution relative to penitentiary buildings.

An act to apportion the members of the Council and the members of the House of Representatives of Washington Territory.

The following resolution, introduced yesterday by Mr. Vansyckle, was taken up and adopted:

Resolved, That the Hon. Secretary be and is hereby requested to forward to Washington, immediately, certified copies of the several memorials passed by this Legislative Assembly.

Mr. Newell moved

That Substitute for C. B. No. 5, an act to apportion the members of the Council and the members of the House of Representatives, be now taken from the table.

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 9th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 46—An act to repeal an act entitled an act in relation to road taxes in Snohomish county.

H. B. No. 47—An act to repeal an act in relation to change of venue in certain cases, approved January 31st, 1867.

Also, the passage of H. B. No. 30—An act supplemental to an act entitled an act to incorporate the Coal Creek Road Company, approved January 31st, 1867.

L. B. ANDREWS,
Chief Clerk.

Pending the debate on taking from the table Substitute for C. B. No. 5,

The following message was received from the House of Representatives by their Clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 9th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. J. M. No. 15—In relation to the condition of citizens of the United States residing on San Juan Island, Whatcom county, Washington Territory.

L. B. ANDREWS,
Chief Clerk.

Division called for on the motion to take from the table Substitute for C. B. No. 5.

Motion carried, and

Bill taken up and read third time.

Mr. Bradshaw moved to amend by striking out in line 15, of the printed copy, the word "one," after Jefferson, and insert instead thereof the word "two."

On this question the ayes and noes were called with the following result:

Ayes—Messrs. Bradshaw and Blinn—2.

Noes—Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Motion lost.

Mr. Bradshaw moved to amend by striking out from line 16, of the printed copy, the word "Chehalis," and inserting instead thereof the word "Whatcom."

On this question the ayes and noes were called, with the following result:

Ayes—Messrs. Bradshaw and Blinn—2.

Noes—Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Motion lost.

The question recurring on the passage of the bill,

The ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Mr. President—5.

Those voting in the negative were

Messrs. Bradshaw, Blinn and Wilson—3.

Bill passed and title agreed to.

On motion of Mr. Vansyckle,

Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 10th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Bradshaw presented a petition praying for a bridge across Dungeness river.

On motion of Mr. Bradshaw,

The petition was laid on the table.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Friday, Jan. 10th, 1868. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. J. R. No. 6, relative to the election of Territorial officers.

H. J. M. No. 16, relative to appropriation for public roads.

H. B. No. 48, an act in relation to road taxes in Snohomish county.

Also, the passage in the House of

H. B. No. 40, an act to authorize Registers of Land Offices to take acknowledgments of deeds within the Territory.

H. B. No. 38, an act amendatory to an act entitled an act relating to elections and the mode of supplying vacancies, approved Jan. 23d, 1866.

C. B. No. 8, an act defining the boundary lines of Island county, Washington Territory.

O. B. No. 14, an act regulating the fees of the county auditor of Walla Walla county.

O. B. No. 15, an act regulating fees and costs in Walla Walla county.

Also, that the Speaker of the House has signed

C. J. M. No. 2, relative to compensating W. B. King for certain mail service.

C. B. No. 11, an act relating to justices of the peace in Walla Walla county.

C. B. No. 12, an act to regulate the fees of the probate judge of Walla Walla county.

L. B. ANDREWS,
Chief Clerk.

Mr. Newell arose to a question of privilege and gave notice that he would introduce a resolution to declare vacant the seat of the member representing the Council district composed of Clalm and Jefferson counties.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Friday, Jan. 10th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction and passage in the House of Representatives of the following:

H. J. R. No. 7, relative to incidental printing of the Legislative Assembly.

L. B. ANDREWS,
Chief Clerk.

Mr. Blinn arose to a question of privilege.

Mr. Newell in the chair.

Mr. Struve arose to a question of privilege, followed by Messrs. Tripp and Vansyckle.

Mr. President in the chair.

Mr. Wilson arose to a question of privilege, followed by Mr. Barrington.

Mr. Bradshaw arose to a question of privilege.

On motion of Mr. Wilson,

The Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Saturday, Jan. 11th, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Newell, chairman of Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills, to whom was referred the Remonstrance against the removal of the Depot of Military Supplies from Fort Vancouver, Washington Territory, to Portland, Oregon, have carefully examined the same, and find said remonstrance correctly transcribed.

W. H. NEWELL,
Chairman.

Mr. Barrington, chairman of Committee on Claims, submitted the following report :

MR. PRESIDENT :

Your Committee on Claims beg leave to return C. B. No. 20, and recommend its passage ; also, H. J. M. No. 13, and recommend its passage.

EDWARD BARRINGTON,
Chairman.

Mr. Vansyckle, chairman of Committee on Memorials, submitted the following reports :

MR. PRESIDENT :

Your Committee on Memorials, to whom was referred H. J. M. No. 12, praying for weekly mail service on route No

15,404; and also, H. J. M. No. 14, relative to overflowed lands, beg leave to report that they have had the same under consideration, and recommend that the memorials do pass.

J. M. VANSYCKLE,
Chairman.

MR. PRESIDENT:

Your committee to whom was referred H. B. No. 21, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

J. M. VANSYCKLE,
Chairman.

Mr. Barrington, Chairman of Committee on Commerce, submitted the following report:

MR. PRESIDENT:

Your Committee on Commerce beg leave to return H. B. No. 10, and recommend its passage; also, H. J. M. No. 9, and recommend its passage; also, C. B. No. 18, and recommend its passage.

E. BARRINGTON,
Chairman.

Mr. Wilson, on leave, introduced

C. B. No. 21, an act defining the several Judicial Districts of the Territory of Washington, and assigning the Judges thereof.

Bill read first time.

On motion of Mr. Wilson,

The rules were suspended and the bill read second time.

Mr. Newell moved

A further suspension of the rules, and that the bill be read a third time now.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried, and the bill read third time.

Mr. Blinn moved to amend by assigning to the Hon. J. E. Wyche the Third Judicial District, and to the Hon. C. B. Darwin the Second Judicial District.

Mr. Bradshaw arose to a point of order.

Overruled by the chair.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 11th, 1868. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. J. M. No. 17, relative to an appropriation for building a military road from Fort Steilacoom, on Puget Sound, to Monticello, on the Columbia river.

Also, the concurrence of the House of Representatives in Council amendments to H. B. No. 11, an act to fix the time for holding the county commissioners' courts in certain counties.

Also, the passage of H. B. No. 32, an act for the relief of Whatcom county.

C. B. No. 17, an act fixing the compensation of the Treasurer of Walla Walla county.

House Substitute for C. B. No. 16, an act to regulate the fees of the Clerk of the District Court in and for Walla Walla county.

Also, that the Speaker has signed

C. J. R. No. 1, relative to the appointment of a committee to wait upon his Excellency the Governor.

C. J. R. No. 3, relative to Penitentiary Buildings.

Substitute for H. B. No. 5, an act changing the name of Pinkney city to Fort Colville.

L. B. ANDREWS,
Chief Clerk.

Mr. Blinn, with consent of his second, withdrew his motion.

Mr. Wilson moved

That the rules be suspended in order to amend the bill under consideration.

Mr. Bradshaw arose to a point of order.

Overruled by the chair.

On motion to suspend the rules, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Blinn, Tripp, Vansyckle, Wilson and Mr. President—5.

Those voting in the negative were

Messrs. Barrington, Bradshaw and Newell—3.

Motion lost.

And on the final passage of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Tripp—2.

Bill passed and title agreed to.

Mr. Newell, on leave, submitted the following resolution :

Resolved, That the seat of C. M. Bradshaw, Joint-Councilman from the counties of Jefferson and Clalm, be and the same is hereby declared vacant.

On motion of Mr. Wilson,

The resolution was laid on the table and made the special order of the day for Monday next at twelve o'clock.

Mr. Blinn submitted

C. J. R. No. 5, relative to new business.

Resolution read first time.

On motion,

The rules were suspended and the resolution read second time.

Mr. Wilson moved

To amend by striking out the word "bills," and inserting in lieu thereof the words "new business."

Carried, and resolution so amended.

Mr. Wilson moved

That the rules be suspended and resolution read third time, now.

On this question, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle and Wilson—6.

Those voting in the negative were

Mr. Bradshaw and Mr. President—2.

Carried and resolution read third time and adopted.

Mr. Blinn moved

To reconsider the vote whereby C. B. No. 21 was passed.

Division called for and motion lost.

Mr. Vansyckle moved

That the clerk be instructed to inform the House forthwith of the passage of C. B. No. 21.

Division called for and motion lost.

Mr. Bradshaw moved

To reconsider the vote whereby the resolution offered by the gentleman from Walla Walla, declaring vacant the seat of the member from Clalm and Jefferson, was made the special order of the day for Monday next.

Mr. Wilson called for the decision of the chair on the right of the member from Clalm to make the motion.

Chair decided in the affirmative.

Mr. Newell appealed from the decision of the chair.

On the question, shall the Chair be sustained, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Tripp and Mr. President—5.

Those voting in the negative were

Messrs. Newell, Vansyckle and Wilson—3.

Chair sustained.

Mr. Wilson moved to adjourn.

The ayes and noes were called for with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Motion lost.

The Council here took a recess of ten minutes.

Council came to order.

Roll called. Members all present as before.

The President gave notice that he was about to sign a remonstrance against the removal of the depot of military supplies from Fort Vancouver, W. T., to Portland, Oregon.

On the question before the House on the reconsideration of the vote whereby the resolution of Mr. Newell was made the order of the day for Monday next,

The ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Those voting in the negative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Motion lost.

Mr. Wilson moved

That the rules be suspended and the vote whereby the motion to reconsider the vote on the passage of C. B. No. 21 was lost, be reconsidered.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried and vote reconsidered.

On the motion to reconsider the vote whereby C. B. No. 21 was passed, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried and vote reconsidered.

Mr. Wilson moved

That the vote whereby the bill was passed to its third reading be reconsidered.

The ayes and noes were called for with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Wilson, Vansyckle and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried and vote reconsidered.

Mr. Wilson now moved

To amend C. B. No. 21, by striking out, in section four, the name of J. E. Wyche, and insert that of C. B. Darwin; also, to amend section five, by striking out the name of C. B. Darwin, and insert therein the name of J. E. Wyche.

Mr. Bradshaw called for a division of the question.

The chair ruled a division unnecessary.

An appeal was taken from the decision of the chair,

On the question, "Shall the chair be sustained?" the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Those voting in the negative were

Messrs. Bradshaw and Blinn—2.

The chair was sustained.

The original question recurring on the amendment of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried, and the bill so amended.

Mr. Wilson moved

That the rules be suspended and the bill be read third time now.

Upon this question the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried, and bill read third time.

On the final passage of the bill the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Mr. Bradshaw—1.

The bill was passed and the title agreed to.

On motion of Mr. Wilson,

The rules were suspended, and H. J. R. No. 7, relative to incidental printing, was now taken up and read first time.

On motion of Mr. Vansyckle,

The rules were further suspended, and the resolution read second time.

On motion of Mr. Newell,

The rules were further suspended, and the resolution read third time.

On the adoption of this resolution the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle and Wilson.—6.

Those voting in the negative were

Messrs. Bradshaw and Mr. President—2.

Resolution adopted.

On motion of Mr. Vansyckle,

Council adjourned until Monday morning at eleven o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,

Monday, Jan. 13th, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blinn, Chairman of the Committee on Federal Relations, submitted the following report:

MR. PRESIDENT :

Your Committee on Federal Relations, to whom was referred C. J. M. No. 1, in relation to the annexation of Northern Idaho to Washington Territory, would report the same back and recommend its indefinite postponement.

MARSHALL BLINN.

Chairman.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Monday, Jan. 13th, 1868. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. J. M. No. 18, relative to the settlement of the Indian war claims of Washington Territory.

H. B. No. 50, an act to regulate the fees of county officers in Clallam county.

H. B. No. 51, an act for the preservation of game.

H. B. No. 53, an act to elect a public printer.

H. B. No. 54, an act to strike out the third clause of section two in the act to regulate marriages.

Also, the introduction and passage in the House of

H. B. No. 49, an act to appropriate money for the payment of freight charges on certain books belonging to the Territorial library now in possession of J. H. Munson.

H. B. No. 52, an act to legalize the official acts of Joseph Hill, county auditor of Chehalis county, and his deputy.

H. J. R. No. 8, instructing Delegate to secure appropriation for removing obstructions in Chehalis river, W. T.

H. J. R. No. 9, in relation to the erection of a light house at the entrance of Gray's Harbor, W. T.

Also, the passage of

H. B. No. 18, an act to re-locate the county seat of Island county.

L. B. ANDREWS,

Chief Clerk.

Mr. Tripp, on leave, introduced C. B. No. 22, an act to permanently locate the seat of Government of Washington Territory, and for the removal of the Territorial library, archives and officers.

Mr. Vansyckle moved

That the rules be suspended and the bill read second time, now.

The ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Wilson—2.

Motion carried and rules suspended and bill read second time, now.

Mr. Newell moved

That the bill be referred to Committee on Corporations, and arose to speak in favor of such reference.

Mr. Bradshaw arose to a point of order; that the remarks of the gentleman from Walla Walla were foreign to the subject.

OVERRULED by the chair.

Mr. Newell resumed.

Mr. Bradshaw again arose to a point of order.

OVERRULED by the chair.

Mr. Wilson moved

To amend by instructing the Committee to print.

Amendment accepted, motion carried and Committee so instructed.

On motion of Mr. Vansyckle,

C. B. No. 4, an act to amend an act entitled an act to regulate the practice in civil actions in the District Courts, was taken up and read second time, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

C. J. M. No. 1, relative to the annexation of Northern Idaho to Washington Territory, was taken up.

On motion of Mr. Newell,

The report of the Committee on the same was laid on the table and memorial read second time.

On motion of Mr. Vansyckle,

The rules were suspended and memorial read third time, now.

And on the final passage of the memorial, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Blinn—2.

Memorial passed and title agreed to.

On motion of Mr. Wilson,

The rules were suspended and H. B. No. 52, an act to legalize the official acts of Joseph Hill, county auditor of Chehalis county, and his deputy, was now taken up and read first time.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now, and,

On motion of Mr. Blinn,

Referred to Committee on Counties.

H. B. No. 21, an act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington, was read third time, passed and title agreed to.

H. B. No. 10, an act to create and regulate the office of Inspector of Salmon, was read third time, passed and title agreed to.

On motion of Mr. Newell,

H. S. for C. B. No. 16, an act to regulate the fees of the clerk of the District Court in and for Walla Walla county, was now taken up; and,

On motion of Mr. Newell,

The rules were suspended and bill read by title only. No objection being made, the bill was read a second time now.

Mr. Vansyckle moved

A further suspension of the rules, and that the bill be read a third time, now.

Bill read third time, passed and title agreed to.

H. J. M. No. 12, praying for a weekly service on mail route No. 15,404.

Read third time, passed and title agreed to.

H. J. M. No. 14, relative to overflowed lands.

Read third time, passed and title agreed to.

C. B. No. 20, an act for the relief of H. E. Griffin, John M. Murphy and Levi Shelton.

Read third time, passed and title agreed to.

C. B. No. 18, relative to organizing a pilot commission on the Columbia river, was now taken up, and,

On motion of Mr. Vansyckle,

Laid on the table.

H. B. No. 32, an act for the relief of Whatcom county.

Bill read first time. No objection being made, the bill was read second time, now.

On motion of Mr. Barrington,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Bill passed and title agreed to.

H. B. No. 49, an act to appropriate money for the payment

of freight charges on certain books belonging to the library, now in possession of J. H. Munson.

Bill was read first time. No objections being made, the bill was read second time, and,

On motion of Mr. Tripp;

Referred to Committee on Ways and Means.

H. B. No. 18, an act to re-locate the county seat of Island county.

Bill read first time. No objections being made, the bill was read second time, now, by title.

On motion of Mr. Barrington,

* The rules were suspended and bill read third time, passed and title agreed to.

H. B. No. 30, an act supplemental to an act entitled an act to incorporate the Coal Creek Road Company, approved Jan. 31, 1867.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Blinn,

Referred to Committee on Corporations.

H. J. R. No. 8, instructing delegate to secure appropriation for removing obstructions in Chehalis river, W. T.

Bill read first time. No objection being made, the resolution was read second time, now, by title, and,

On motion of Mr. Wilson,

Referred to Committee on Commerce.

H. J. R. No. 9, in relation to the erection of a light house at the entrance of Gray's Harbor, W. T.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

Referred to Committee on Commerce.

H. J. M. No. 15, in relation to the condition of citizens of the United States residing on San Juan Island, Whatcom county, W. T.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

Referred to Committee on Memorials.

On motion of Mr. Newell,

The Council adjourned until eleven o'clock to-morrow morning.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Jan. 14th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle, chairman of Committee on Memorials, submitted the following report :

MR. PRESIDENT :

Your Committee on Memorials, to whom was referred H. J. M. No. 15, relative to the condition of citizens of the United States residing upon San Juan Island, have had the same under consideration, and beg leave to report that the subject now under consideration has already been presented to Congress by our Honorable Delegate, in the form of a resolution, which was passed under a call of the previous question, calling upon Congress to inquire into the condition of the military and citizens now occupying said island, and that such a memorial, coming from the Legislative Assembly at this time, would greatly strengthen the hands of our Honorable Delegate in securing jus-

tice to citizens of this Territory. We therefore recommend that the memorial pass.

J. M. VANSYCKLE,
Chairman.

Report received.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your committee to whom was referred H. B. No. 49, an act entitled an act to appropriate money for the payment of freight charges on certain books belonging to the Territorial Library, now in possession of J. H. Munson, beg leave to report the bill back to the Council with the recommendation that it pass.

C. M. BRADSHAW,
Chairman.

Report received.

Mr. Wilson, Chairman of the Committee on Counties, submitted the following report :

MR. PRESIDENT :

Your Committee on Counties, to whom was referred H. B. No. 52, an act to legalize the official acts of Joseph Hill, county auditor of Chehalis county, and his deputy, have had the same under consideration, and beg leave to report the same back and recommend its passage.

E. A. WILSON,
Chairman.

Mr. Barrington, Chairman of Committee on Commerce, submitted the following report :

MR. PRESIDENT :

Your Committee on Commerce, to whom was referred H. J. R. No. 8, instructing the Delegate to secure an appropriation for removing obstructions in the Chehalis river, W. T. ; and also H. J. R. No. 9, in relation to the erection of a lighthouse at the

entrance of Gray's Harbor, W. T., have had the same under consideration, and beg leave to report the same back and recommend their passage.

E. BARRINGTON,
Chairman.

Report received.

Mr. Tripp, Chairman of Committee on Corporations, submitted the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred H. B. No. 30, an act supplemental to an act entitled an act to incorporate the Coal Creek Road Company, approved January 31st, 1867, have had the same under consideration, and report the same back and recommend its passage.

A. G. TRIPP,
Chairman.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report:

MR. PRESIDENT:

Your committee to whom was referred C. B. No. 4, an act to amend an act to regulate the practice in civil actions in the District Court, passed Jan. 28th, 1863, beg leave to report the same back to the Council and recommend its indefinite postponement.

C. M. BRADSHAW,
Chairman.

MR. PRESIDENT:

The other member of your Committee on Judiciary, to whom was referred C. B. No. 4, beg leave to report that they have had the matter under consideration, and beg leave to report the same back and recommend that the same pass.

J. M. VANSYCKLE

Reports received.

Mr. Tripp, on leave, presented a petition praying for a divorce between Samantha and Samuel N. Woodruff.

Petition received.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 14th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 55, an act for the relief of the sheriff of Clark county, Washington Territory.

H. B. No. 56, an act reducing the compensation of prosecuting attorneys.

Also, that the Speaker has signed

A memorial relative to lighthouses in Washington Territory.

A memorial relative to fortifications in the Territory of Washington.

A memorial relative to mail facilities in the Territories of Washington and Alaska.

A memorial asking Congress for aid to build a railroad from Puget Sound to the Columbia river, in the Territory of Washington.

An act to prescribe the time when all laws of a general nature shall be deemed to be in force.

An act to fix the time for holding the county commissioners' courts in Pacific county.

An act to change the name of William Smith, Jr., to William Henry Davis.

An act to repeal an act entitled an act to amend an act in relation to licenses in King county.

L. B. ANDREWS,
Chief Clerk.

The President gave notice that he was about to sign the following:

An act to repeal an act entitled an act to amend an act in relation to licenses in King county.

A memorial relative to mail facilities in the Territories of Washington and Alaska.

A memorial relative to fortifications in the Territory of Washington.

A memorial relative to lighthouses in Washington Territory.

An act to fix the time for holding the county commissioners' courts in Pacific county.

A memorial asking Congress for aid to build a railroad from Puget Sound to the Columbia river, in the Territory of Washington.

An act to prescribe the time when all laws of a general nature shall be deemed to be in force.

An act to change the name of William Smith, Jr., to William Henry Davis.

Mr. Vansyckle, on leave, submitted the following resolution:

RESOLVED, That from and after the passage of this resolution, the ayes and noes shall not be called except demanded by not less than three members of this Council.

On motion of Mr. Vansyckle,

The rules were suspended and the resolution read second time, now.

Mr. Wilson moved

To amend by striking out the word "three" and insert in lieu thereof, the word "two."

Motion carried and resolution so amended.

Mr. Vansyckle moved

That the rules be suspended and resolution read third time, now.

Division called for and motion lost.

Mr. Blinn, on leave, introduced O. B. No. 23, an act in relation to the county seat in Kitsap county.

Bill was read first time. No objections being made, the bill was read second time, now, by title.

On motion of Mr. Blinn,

The rules were suspended and bill read third time, passed and title agreed to.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES, }
Tuesday, Jan. 14th, 1868. }

MR. PRESIDENT :

"I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following :

C. B. No. 1, an act exempting certain firemen from jury duty and from paying certain taxes.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Blinn,

The Clerk was instructed to report to the House forthwith of the passage in the Council of C. B. No. 23.

Mr. Blinn, on leave, introduced C. B. No. 24, an act in relation to common schools in Washington Territory.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Wilson,

Referred to Committee on Judiciary.

C. B. No. 25, an act entitled an act to divorce Samantha and Samuel N. Woodruff.

Bill read first time. No objections being made, the bill was read second time, now, by title.

Mr. Blinn moved

To refer to Committee on Engrossed Bills.

Mr. Tripp moved

To amend by referring to Committee on Judiciary.

Division called for. Motion to amend lost and bill referred to Committee on Engrossed Bills.

Mr. Newell, on leave, offered the following resolution :

Resolved, That a Special Committee of three be appointed, whose duty it shall be to inquire what amount of money has been received by Secretary Smith to be applied toward defraying Legislative expenses, and what portion of the same has been applied toward the payment of the *per diem* and mileage of members. Also, what portion, if any, has been applied to other purposes. Said Committee to be authorized to send for persons and papers.

On motion of Mr. Wilson,

The rules were suspended and the resolution read second time, now.

On motion of Mr. Vansyckle,

The rules were further suspended and resolution read third time, and adopted.

The Chair appointed Messrs. Newell, Tripp and Blinn as such Committee.

On motion of Mr. Bradshaw,

C. B. No. 7, an act to amend an act entitled an act to regulate marriages, was taken from the table and read second time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, passed and title agreed to.

On motion of Mr. Wilson,

Council adjourned until to-morrow morning at ten o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Jan. 15th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Wilson, Chairman of Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT :

Your Committee on Engrossed Bills, to whom was referred C. B. No. 25, an act to divorce Samantha and Samuel N. Woodruff, have had the same under consideration, and beg leave to report the same back and state, that while they do not make any statement as to the merits or demerits of this case, they would deem it poor policy for the Legislature to again open the door to obtaining divorces before the Legislature, as they feel satisfied that were we to do it in one case, there is no telling where it would end. They therefore recommend the indefinite postponement of the bill.

E. A. WILSON,
Chairman.

On motion of Mr. Bradshaw,

The report was received, the Committee discharged from further consideration of the subject, and bill and report laid upon the table.

Mr. Vansyckle, from Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your Committee to whom was referred C. B. No. 24, an act entitled an act in relation to common schools, have had the same under consideration, and beg leave to report that the said bill be amended by the addition of a section as follows :

All acts and parts of acts conflicting with this act be and the same are hereby repealed.

Also, this act to take effect and be in force from and after its passage.

With these additions, we recommend that the bill pass.

J. M. VANSYCKLE.

No objections being made, the report was received.

Mr. Tripp, Chairman of Committee on Corporations, submitted the following report:

MR. PRESIDENT:

A majority of your Committee on Corporations, to whom was referred C. B. No. 22, an act permanently locating the seat of government for Washington Territory, and providing for the removal of the Territorial library, archives and Territorial officers, have had the same under consideration, and after mature deliberation, have arrived at the conclusion that the best interests of the Territory require the location of the capitol as proposed in the bill. The fact that, at the present seat of Government, the members are liable at any time to be assailed by mob violence, is, in itself, a conclusive reason for the proposed change of location. The town of Vancouver is centrally situated, easily accessible at all seasons of the year, and is in every respect a desirable location for the capitol.

There are many other considerations that might be urged in favor of the proposed change, but the foregoing are believed to be sufficient to decide the action of the members of this Council.

A. G. TRIPP,
Chairman.

No objection being made, the report was received.

Mr. Tripp, on leave, introduced C. B. No. 26, an act to incorporate the city of Vancouver.

On motion of Mr. Blinn,

The reading of the body of the bill was dispensed with and bill read first time by title.

No objection being made, the bill was read second time, now, and,

On motion of Mr. Newell,

Referred to Committee on Corporations with instructions to print.

The Hon. Wm. McLane came within the bar and presented to the President of the Council a certificate of election from the Council district composed of Thurston and Lewis counties.

Mr. Bradshaw moved

That the Hon. Secretary of the Territory be requested to administer the oath of office to the Hon. Wm. McLane, Joint Councilman from Thurston and Lewis counties.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

On motion of Mr. Blinn,

The credentials of the Hon. Wm. McLane were referred to Committee on Elections, with instructions to report forthwith.

Mr. Blinn, on leave, introduced C. B. No. 27, an act in relation to the election laws of W. T.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Blinn,

Referred to Committee on Elections.

Mr. Blinn in the chair.

Mr. Struve, on leave, introduced C. B. No. 28, an act in relation to change of venue in civil and criminal actions.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Tripp,

Referred to Committee on Judiciary.

Mr. Tripp, on leave, introduced C. B. No. 29, an act requiring Judges in certain cases to give their charges to the jury in writing.

Bill read first time. No objection being made, the bill was read second time, now, by title.

Mr. Struve moved

That the rules be suspended and bill read third time, now:

On this question the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Struve and Vansyckle

—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Wilson—3.

Motion lost.

Mr. Bradshaw moved

That the bill be referred to Committee on Counties.

Mr. Wilson moved

To amend by referring to Committee on Judiciary.

Amendment accepted and bill so referred.

Mr. Vansyckle, on leave, introduced C. B. No. 30, an act relative to the admission of Washington Territory into the Union as a State.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

Referred to Committee on Memorials and ordered printed.

Mr. Tripp, on leave, introduced C. B. No. 31, an act exempting the property of counties from sale on execution.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

Referred to Committee on Corporations.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 15th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

Petition for the relief of John T. Hicklin.

Petition to change the county line between Lewis and Thurston county.

Also, the passage in the House of

C. J. R. No. 5, relative to the introduction of new business.

Also, that the House has indefinitely postponed

H. B. No. 35, an act creating county courts and consolidating county offices.

H. B. No. 2, an act entitled an act to regulate the licensing and sale of spirituous liquors in the Territory of Washington.

H. B. No. 14, an act to provide a special county fund in the several counties of this Territory, and for the collection and disbursement thereof.

L. B. ANDREWS,

Chief Clerk.

Mr. Struve, on leave, introduced C. B. No. 32, an act relating to injunctions and restraining orders.

Read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Struve,

Referred to Committee on Corporations.

Mr. Struve, on leave, introduced C. B. No. 33, an act concerning the fees of jurors in the District Courts.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Struve,

Referred to Committee on Judiciary.

Mr. Struve, on leave, introduced C. B. No. 34, an act reducing the compensation of Judges of the Probate Court.

Bill read first time. No objection being made, the bill was read second time now, and,

On motion of Mr. Struve,

Referred to Committee on Engrossed Bills.

Mr. President in the chair.

H. B. No. 30, an act supplemental to an act entitled an act to incorporate the Coal Creek Road Company, approved Jan. 31st, 1867.

Bill read third time, passed and title agreed to.

Mr. Bradshaw, of the Committee on Elections, submitted the following majority report:

MR. PRESIDENT:

A majority of your Committee, to whom was referred the contested case of McLane and Longmire, have not considered the same, and now beg leave to report the same back to the Council without recommendation, and ask to be discharged from the further consideration of the subject.

C. M. BRADSHAW,
MARSHALL BLINN.

Mr. Vansyckle, Chairman of the Committee on Elections, gave notice that he would submit a minority report.

H. B. No. 52, an act to legalize the official acts of Joseph Hill, county auditor of Chehalis county, and his deputy.

Read third time, passed and title agreed to.

H. B. No. 49, an act to appropriate money to pay the freight charges on books belonging to the Territorial library, now in possession of J. H. Munson.

Read third time, passed and title agreed to.

C. B. No. 4. An act to amend an act entitled an act to regulate the practice in civil actions in the District Court.

Read third time, together with majority and minority report on same.

Mr. Vansyckle moved

That the rules be suspended, and C. B. No. 4 be taken from Committee on Judiciary and referred to Committee on Counties.

Mr. Wilson moved

To amend by referring back to Committee on Judiciary.

Amendment accepted and bill recommitted to Committee on Judiciary.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 15th, 1868.

MR. PRESIDENT:

I am instructed by the House of Representatives to in-

form the Council of the introduction and passage in the House of Representatives of the following :

H. S. for C. B. No. 5, an act to amend an act entitled an act to apportion the members of the Council and the members of the House of Representatives of Washington Territory.

L. B. ANDREWS,
Chief Clerk.

Mr. Vansyckle moved

That the rules be suspended and H. S. for C. B. No. 5, an act apportioning the members of the Council and the members of the House of Representatives, be now taken up.

Division called and motion lost.

H. J. R. No. 8, instructing delegate to secure appropriation for removing obstructions in Chehalis river.

Read third time and passed.

H. J. M. No. 15, in relation to the condition of citizens of the United States residing on San Juan Island, Whatcom county, W. T.

Read third time and passed.

H. J. R. No. 9, in relation to the erection of a light house at the entrance of Gray's Harbor, in Washington Territory.

Read third time and passed.

Mr. Vansyckle in the chair.

Mr. Bradshaw moved

That C. B. No. 6, an act relating to garnishees, be now taken up.

Clerk reported the bill not on the table.

Mr. Bradshaw moved

That C. B. No. 18, an act defining and punishing libel, be now taken up.

Division called for and motion lost.

On motion of Mr. Struve,

H. S. for C. S. for C. B. No. 5, an act apportioning the members of the Council and the members of the House of Representatives for Washington Territory, was now taken up.

Bill was read first time. No objections being made, the bill was read second time, now, by title.

On motion of Mr. Struve,

The rules were suspended and bill read third time, now.

On the final passage of the bill the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Struve, Tripp and Mr. President—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Wilson—3.

Passed and title agreed to.

Mr. Struve moved

To reconsider the vote whereby H. S. for C. S. for C. B. No. 5 was passed and title agreed to, and to lay the motion on the table.

Motion lost.

On motion of Mr. Struve,

The Clerk was instructed to report to the House, forthwith, the passage in the Council of H. S. for C. S. for C. B. No. 5.

On motion of Mr. Newell,

Council adjourned until to-morrow morning at 11 o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 16th, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 16th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following:

H. B. No. 58, an act providing a fund for extinguishing the indebtedness of Clark county and for other purposes.

H. B. No. 59, an act to amend an act entitled an act to protect sheep and wool growers of the counties of Pierce, Lewis, Snohomish, Thurston, Clark, Stevens and Jefferson, approved Jan. 31st, 1867.

H. B. No. 60, an act to provide for the payment of the Regents of the Territorial University.

H. B. No. 61, an act for the relief of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and John M. Murphy.

Also, the passage in the House of

H. B. No. 26, an act to fix the time for holding the sessions of the Legislative Assembly of the Territory of Washington.

H. B. No. 57, an act entitled an act relating to licenses in the county of Walla Walla.

C. B. No. 7, an act to amend an act entitled an act to regulate marriages.

Also, that the House has indefinitely postponed

H. B. No. 19, an act entitled an act relating to common schools in the county of Walla Walla.

Also, that the Speaker of the House has signed Resolution relative to joint rules.

Resolution relative to joint convention for the purpose of receiving the Governor's message.

Memorial relative to a naval arsenal and dry dock in the Territory of Washington.

Memorial relative to the North Pacific Railroad.

Memorial relative to homestead and pre-emption laws.

Memorial relative to the Northern Pacific Railroad.

Remonstrance against the removal of the Depot of Military Supplies from Fort Vancouver, W. T., to Portland, Oregon.

An act to amend an act entitled an act to establish a common school system for the Territory of Washington, approved Jan. 31st, 1867.

An act entitled an act to amend an act entitled an act defining county lines in the Territory of Washington.

L. B. ANDREWS,

Chief Clerk.

The Clerk here notified the Council that the following bills had been approved by his Excellency the Governor :

An act to regulate the fees of the Probate Judge of Walla Walla county.

An act relating to Justices of the Peace in Walla Walla county.

An act changing the name of Pinkney City, the county seat of Stevens county, to Fort Colville.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT :

Your Committee on Enrolled Bills report the following bills as correctly transcribed :

C. B. No. 17, an act fixing the compensation of the treasurer of Walla Walla county.

C. B. No. 14, an act regulating the fees of the county auditor of Walla Walla county.

C. B. No. 15, an act regulating fees and costs in Walla Walla county.

C. B. No. 8, an act defining the boundary lines of Island county, Washington Territory.

W. H. NEWELL,

Chairman.

No objections being made, the report was received.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your committee to whom was referred C. B. No. 4, an act to amend an act entitled an act to regulate the practice in civil actions in District Courts, passed Jan. 28, 1863, have had the same under consideration, and beg leave to refer the same back to the House, together with the following report, and ask that they be discharged from the further consideration of the subject :

1st. Section first of this act is a substitute for section 299 of the civil practice act, which, as it now stands, is a particular description of the manner in which sales of real estate upon execution are conducted.

The proposed substitute supplies no deficiency which would be made by the passage of this act.

2d. Section second of this act is offered as a substitute for section 300 of the act to which this is amendatory, which section makes it obligatory upon the sheriff conducting the sale of real estate, when the land is sold by the acre, to measure off the land from the north east corner, and if this act is passed, the sheriff would have the power to measure the land from any portion of the whole tract he might think proper.

3d. That section third of this act repeals section 301 of the act to which this is amendatory, and does not supply the deficiency, and that said section 301 is essential, and injustice might be done by sheriffs conducting sales of real estate if that section was stricken out.

4th. That section four of this act repeals section 302 of the act to which this is amendatory, which section, as it now stands, compels the sheriff to strike off the land to the highest bidder and return the execution, with his doings thereon, and the money received, forthwith into Court, and if this act prevails, there would be no law requiring the sheriff so to do.

5th. That section five of this act repeals section 303 of the act to which this is amendatory, and does not supply the deficiency. Said section, as it now stands, brings up in judgment, at the next term of the District Court succeeding the sale, all

the acts of the sheriff in conducting said sale, and if it is found that injustice has been done, the sale will be set aside. And your Committee deem it unwise that said section should be stricken out.

6th. That section six of this act is intended to strike out section 304 of the act to which this is amendatory, and does not supply the deficiency; which section refers particularly to the record of sheriff's sales by county auditors, and without such record, title to real estate sold at sheriff's sale would be imperfect and consequently insecure.

7th. That section nine of this act repeals section 309 of the act to which this is amendatory, which section, as it now stands, makes it obligatory where one of several judgment debtors is compelled to pay the full amount of the judgment rendered against them, he can compel contributions and payments from the other judgment debtors, and if this act pass, there would be no law to compel them so to do.

Your Committee further state, that this act has in contemplation a redemption of real estate sold at sheriff's sale, and if this law pass, a title by the Sheriff would be only a lien upon real estate for the amount of money paid.

That the consequence would be, property would bring but a tithe of its value, and in most cases would not be redeemed. Your Committee therefore recommend the indefinite postponement of the bill.

C. M. BRADSHAW,
Chairman.

On motion of Mr. Wilson,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Bradshaw submitted the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was submitted C. B. No. 29, an act requiring Judges in certain cases to give their charges to the jury in writing, have had the same under consideration, and beg leave to report that in the opinion of the

Committee, the bill under consideration would, if passed, add nothing to existing law. That section 209 of the civil practice act requires the Judge to give his instructions in writing when ever required so to do. Your Committee therefore recommend that the bill do not pass.

C. M. BRADSHAW,
Chairman.

On motion, the report was received, and the Committee discharged from further consideration of the subject.

Also, the following:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred C. B. No. 33, an act concerning the fees of jurors in the District Courts, have had the same under consideration, and beg leave to report, that the object of the bill under consideration is to compel jurors in all Territorial cases to render their service without reward unless payment therefor could be obtained from the United States. Your Committee, deeming that the laborer is worthy of his hire, and that no person ought to be compelled to render service to the public without payment therefor, recommend that the bill do not pass.

C. M. BRADSHAW,
Chairman.

On motion, the report was received and the Committee discharged from further consideration of the subject.

Also, the following:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred C. B. No. 28, an act in relation to change of venue in civil and criminal actions, have had the same under consideration, and beg leave to report the same back to the Council and recommend its passage.

C. M. BRADSHAW,
Chairman.

On motion, the report was received and the Committee discharged from further consideration of the subject.

Mr. Tripp, Chairman of Committee on Corporations, submitted the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred C. B. No. 30; an act exempting the property of counties from sale upon execution, have had the same under consideration, and report the bill back with a recommendation that it pass.

Also, C. B. No. 32, an act relating to injunctions and restraining orders, is herewith reported with a recommendation that it pass.

A. G. TRIPP,

Chairman.

On motion, the report was received and the committee discharged from further consideration of the subject.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 16th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. B. No. 24, an act to appropriate money to complete the construction of a certain road.

L. B. ANDREWS,

Chief Clerk.

A majority report of the Committee on Elections was taken up and read, and, after debate, the report was received, and the committee discharged from further consideration of the subject.

Mr. Vansyckle submitted the following minority report: the Committee on Elections:

MR. PRESIDENT:

Your committee, to whom was referred the contested case of *McLane vs. Longmire*, beg leave to report that they have had the same under consideration, and have come to the conclu

sion, from papers in their possession, that there is ample ground for contest, and would therefore recommend that the whole matter be referred to the Committee on Elections for investigation, and with instructions to report Monday next.

J. M. VANSYCKLE,

Chairman.

On motion of Mr. Wilson,

The report was received.

Mr. Vansyckle, on leave, introduced

C. B. No. 35, an act to amend an act entitled an act to regulate the practice in civil actions in District Courts.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

Laid on the table and ordered printed.

Mr. Wilson, on leave, introduced

C. J. M. No. 4, relative to the removal of Duncan Rock.

Read first time. No objection being made, the memorial was read second time, now, by title, and,

On motion of Mr. Blinn,

The rules were suspended and the memorial read third time and passed.

Mr. Tripp, on leave, presented a petition from the Sisters of Charity of the House of Providence, and with it introduced C. B. No. 36, an act to vacate certain streets in the city of Vancouver.

Petition received and bill read first time.

No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Blinn,

Referred to Committee on Territorial Library.

On motion of Mr. Barrington,

C. B. No. 19½, an act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto, was taken up and read second time, and,

On motion of Mr. Blinn,
Referred to Committee on Commerce.

Mr. Bradshaw moved

That the Council take from the table C. B. No. 18, an act defining and punishing libel.

The Clerk reported the bill still in the hands of the printer.

The Sergeant-at-Arms was instructed to procure from the public printer all council bills as soon as the same should be printed.

C. B. No. 4, an act to regulate the practice in civil actions in the District Courts, together with the report of the Committee on the same, was read second time.

On motion of Mr. Vansyckle,

The report was adopted and bill indefinitely postponed.

Mr. Wilson appealed from the ruling of the Chair heretofore announced, viz: That when a Committee reported the indefinite postponement of a bill, the adoption of the report carried with it the indefinite postponement of the bill without a subsequent motion.

On the question being put, shall the chair be sustained, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Tripp, and Mr. President—5.

Those voting in the negative were

Messrs. Newell, Vansyckle and Wilson—3.

Chair sustained.

C. B. No. 31, an act exempting the property of counties from sale on execution, together with the report of the Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, passed and title agreed to.

C. B. No. 32, an act relating to injunctions and restraining orders, together with report of Committee on same, was read second time.

On motion of Mr. Wilson,

The report was received and Committee discharged from further consideration of the subject.

On motion of Mr. Wilson,

The rules were suspended, bill read third time, passed and title agreed to.

The President gave notice that he was about to sign the following :

A memorial in relation to the North Pacific Railroad.

A memorial relative to a naval arsenal and dry dock in the Territory of Washington.

A memorial relative to the Northern Pacific Railroad.

A memorial relative to homestead and pre-emption laws.

II. J. Resolution relative to joint rules.

H. J. Resolution relative to a joint convention for the purpose of receiving the Governor's message.

An act fixing the compensation of the treasurer of Walla Walla county.

An act to amend an act entitled an act to establish a common school system for the Territory of Washington, approved Jan. 31, 1867.

An act regulating the fees of the county auditor of Walla Walla county.

An act regulating fees and costs in Walla Walla county.

An act defining the boundary lines of Island county, W. T.

An act entitled an act to amend an act entitled an act defining county lines in the Territory of Washington.

On motion of Mr. Newell,

Council adjourned until to-morrow morning at 11 o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 17th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Friday, Jan. 17th, 1868. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. B. No. 62, an act for the protection of stock raisers in Walla Walla county.

H. B. No. 63, an act to suppress quackery in the practice of medicine and surgery.

Also, the passage in the House of

H. J. M. No. 17, relative to an appropriation for building a military road from Fort Steilacoom, on Puget Sound, to Monticello, on the Columbia river.

H. B. No. 39, an act to provide for the removal of obstructions to navigation on the Chehalis river.

H. B. No. 44, an act entitled an act to provide for the payment of interest on Territorial warrants.

H. B. No. 46, an act to repeal an act entitled an act in relation to road taxes in Snohomish county.

H. B. No. 48, an act in relation to road taxes in Snohomish county.

H. B. No. 56, an act reducing the compensation of prosecuting attorneys.

C. B. No. 13, an act to pay Wm. R. Downey for services and supplies on the Nachess pass road.

C. B. No. 23, an act in relation to the county seat in Kitsap county.

Also, that the Speaker has signed

Resolution relative to incidental printing of the Legislative Assembly.

An act for the relief of Whatcom county.

An act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington.

An act to re-locate the county seat of Island county.

Memorial in relation to buoying out the bars and channels of Shoalwater bay.

Memorial relative to overflowed lands.

Memorial relative to the abolition of duties on materials for ship building.

L. B. ANDREWS,

Chief Clerk.

Mr. Barrington, Chairman of Committee on Commerce, submitted the following report:

MR. PRESIDENT:

Your Committee on Commerce, to whom was referred C. B. No. 19½, an act entitled an act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American waters pertaining thereto, have had the same under consideration, and beg leave to report the same back and recommend that it do pass with the following amendments:

1st. Strike out from the printed copy, in section 23, the words "Clalm bay, in Washington Territory, to San Juan harbor on Vancouver Island," and insert "the western end of Wadah Island, in Neah bay, due north to the intersection of said north course with the coast on Vancouver's Island."

2d. Strike out from printed copy, section 28, the words "American and foreign men-of-war."

3d. Add to section 31 of printed copy the following:

"*Provided*, That nothing in this act shall be so construed as to exempt vessels over one hundred tons burthen, arriving from any port on Vancouver's Island or British Columbia, from the operations of this act."

E. BARRINGTON,

Chairman.

Mr. Blinn, of Committee on Commerce, gave notice that he should submit a minority report, and asked until to-morrow morning to bring in the same:

On motion of Mr. Wilson,

Such time was granted.

Mr. Newell, Chairman of Committee on Territorial Library, submitted the following report:

MR. PRESIDENT:

Your Committee on Territorial Library, to whom was referred C. B. No. 36, an act to vacate certain streets in the City of Vancouver, W. T., have had the same under consideration, and after a thorough examination of the accompanying papers, and having regard to the objects in view, return the bill with a recommendation that it pass. It is at all times the duty of legislators to encourage institutes of learning, and the erection of edifices devoted to the dissemination of knowledge, and it is in this view that the application of the Sisters has peculiar claims upon the Legislative Assembly. We therefore respectfully recommend the passage of the bill.

W. H. NEWELL,

Chairman.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

Your Committee on Enrolled Bills report the following bills as correctly transcribed:

C. B. No. 1, an act exempting certain firemen from jury duty and from paying certain taxes.

Also, C. B. No. 7, an act to amend an act entitled an act to regulate marriages.

Also, Substitute for House Joint Resolution relative to adjournment over the holidays.

W. H. NEWELL,
Chairman.

Mr. Vansyckle, Chairman of Committee on Memorials, submitted the following report :

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred C. B. No. 30, relative to the admission of this Territory into the Union, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

J. M. VANSYCKLE,
Chairman.

Mr. Bradshaw, on leave, introduced C. B. No. 37, an act relative to the licensing of the sale of spirituous and malt liquors:

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

Referred to Committee on Counties.

Mr. Bradshaw, on leave, introduced C. B. No. 38, an act to assess a tax to provide for building a bridge over Dungeness river, in Clalm county, W. T.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Bradshaw,

Referred to Committee on Counties.

Mr. Tripp, on leave, introduced C. B. No. 39, an act providing for the republication of all general laws of the Territory and the distribution of the same.

Bill read first time, and,

On motion of Mr. Wilson,

Laid on the table and ordered printed.

C. B. No. 24, an act entitled an act in relation to common

schools, with the report of the Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Blinn,

The bill was amended by adding thereto the two sections as proposed by the Committee.

Mr. Newell moved

That the bill be further amended by striking out in section one the words "parents and guardians," and inserting in lieu thereof the words "tax payers."

Mr. Vansyckle moved

An amendment to the last amendment by inserting the words "and property holders paying taxes" before the words "parents and guardians," wherever the same occur in the bill.

Amendment accepted by Mr. Newell.

Motion carried and bill so amended.

On motion of Mr. Bradshaw,

C. B. No. 33, an act to amend an act entitled an act to regulate the practice in civil actions in the District Courts, passed Jan. 28, 1863, was now taken up, read third time, passed and title agreed to.

C. B. No. 34, an act reducing the compensation of judges of the probate courts, together with the report of the Committee on the same, was read second time.

Mr. Wilson in the chair.

On motion of Mr. Struve,

The report of the Committee was laid on the table.

Mr. Struve moved

That now be assigned as the time for the third reading of the bill.

Mr. President in the chair.

Mr. Wilson moved

To lay on the table the motion whereby now was assigned as the time for the third reading of the bill.

Carried, and,

On motion of Mr. Wilson,

The bill was referred to Committee on Judiciary.

C. B. No. 28, an act in relation to change of venue in civil and criminal actions, together with the report of the Committee on same, were read second time.

Mr. Bradshaw moved

A suspension of the rules, and that now be assigned as the time for the third reading of the bill.

Mr. Wilson moved

To lay the bill on the table.

On this motion, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Vansyckle, and Wilson

—5.

Those voting in the negative were

Messrs. Bradshaw, Tripp and Mr. President—3.

Motion carried and bill laid on the table.

C. B. No. 29, an act requiring judges in certain cases to give their charge to the jury in writing, together with the report of the Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and Committee discharged from further consideration of the subject.

On motion of Mr. Wilson,

Bill laid on the table and ordered printed.

C. B. No. 33, an act concerning the fees of jurors in District Courts, together with report of Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Bradshaw moved

The report of the Committee be adopted.

On this question the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Newell, Tripp, Vansyckle and Mr. President—7.

Those voting in the negative were

Mr. Wilson—1.

Motion carried and report adopted.

On motion of Mr. Bradshaw,

The vote whereby the report was adopted was reconsidered and the motion laid on the table.

The President gave notice that he was about to sign the following :

An act relative to incidental printing of the Legislative Assembly.

Memorial relative to overflowed lands.

Memorial in relation to buoying out the bar and channel of Shoalwater bay.

Memorial relative to the abolition of duties on materials for shipbuilding.

Joint Resolution relative to adjournment over the holidays.

An act for the relief of Whatcom county.

An act exempting certain firemen from jury duty and from paying certain taxes.

An act to amend an act entitled an act to regulate marriages.

An act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington.

An act to re-locate the county seat of Island county.

On motion of Mr. Newell,

Council adjourned until to-morrow morning at 11 o'clock.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Saturday, Jan. 18th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Blinn, of Committee on Commerce, submitted the following minority report:

MR. PRESIDENT:

Your Committee on Commerce, to whom was referred C. B. No. 19 $\frac{1}{2}$, in relation to pilots on the Straits of Juan de Fuca, Puget Sound, and all American waters pertaining thereto, have had the same under consideration, and beg leave to make the following minority report:

Amend section nine, printed copy, by striking out the word "two" in line two, and insert in lieu thereof the word "three;" also, strike out the word "Commissioners," in line 2, and insert the word "Governor" in lieu thereof; also amend section 13 so as to read as follows:

Section 13. That if any licensed pilot shall be intoxicated while having charge of any vessel as pilot, he shall, on conviction thereof before the Commissioners, forfeit for six months his license.

Amend section 19 so as to read as follows:

Section 19. That application for pilot's license for outward bound vessels shall be made at the office of the pilots, and the amount of the pilotage then and there be secured, the same to be paid when such vessel has been safely piloted to sea, unless sooner discharged as pilot from such vessel.

Amend section 23 so as to read as follows:

Section 23. That if any pilot offer himself to any vessel liable to take a pilot, outside of a line due north of Tatooch

light, if inward bound, or any pilot who may offer himself to any vessel outward bound above Point Wilson, (the pilot bringing the vessel in, or one from the same boat, always to have the preference) and if the master shall refuse to take such pilot on board, the master or owner of such vessel, or either of them, shall incur and be liable to one-half of the amount of pilotage said vessel would be liable for in case a pilot had been employed, the same to be paid to the pilot so offering himself.

Also amend section 30, by striking out in the third and fourth lines the words "engaged in the coasting trade between this Territory, Oregon and California."

Sec. 32. That pilots acting under the provisions of this act shall keep at least one good sea-going boat, fitted and equipped for any ordinary rough weather, and it shall be the duty of pilots holding branches under the provisions of this act to keep at least one boat cruising outside of Tatooch light, and as far south as Flattery Rocks so called, and northward as far as the entrance of Barclay Sound, and on failure so to do, without good cause being shown, the pilot or pilots so offending shall forfeit his or their branches as pilots.

Sec. 33. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after the first day of May, 1868.

MARSHALL BLINN.

On motion of Mr. Bradshaw,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Newell, on leave, submitted the following declaration, and asked that the same be spread upon the journal of the Council:

In the matter of the contested election case, involving the representation of Lewis and Thurston counties in the Council of Washington Territory, the undersigned, Democratic members of the Council, desire to place it upon record, that they are now and at all times have been ready to enter upon a full and fair

investigation of the question, and that they are ready and willing to award the seat to whichever of the contestants the evidence may show to have been fairly and legally elected. This declaration has already been made in open Council, and is again renewed. In justice to themselves, the undersigned desire that this, their declaration, may be spread upon the journal of the Council.

W. H. NEWELL,
E. A. WILSON,
J. M. VANSYCKLE,
EDWARD BARRINGTON.

Mr. Vansyckle gave notice that at the proper time he should make a motion that the same be placed upon the journal of the Council.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred C. B. No. 34, an act reducing the compensation of the judges of the probate court, have had the same under consideration, and beg leave to report the enclosed substitute and recommend its passage.

C. M. BRADSHAW,
Chairman.

On motion of Mr. Blinn,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Newell, on leave, introduced C. B. No. 40, an act to provide for the removal of obstructions in the Cowlitz river.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Newell,

Referred to Committee on Corporations with instructions to print.

Mr. Wilson, on leave, introduced

C. B. No. 41, an act appropriating the sum of \$150 toward defraying expense of printing Territorial commissions, etc.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Wilson,

The rules were suspended, bill read third time, passed and title agreed to.

Mr. Bradshaw, on leave, introduced

O. B. No. 42, an act to repeal an act entitled an act in relation to proceedings against garnishees, approved Jan. 31, 1867.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, passed and title agreed to.

Mr. Vansyckle now made the following motion:

I move that the declaration as presented by Wm. H. Newell, J. M. Vansyckle, Edward Barrington and E. A. Wilson, be placed upon the journal of the Council, and that the contested case of *McLane vs. Longmire* be referred to the Committee on Elections to report on.

On the call of Mr. Blinn, a division of the question was made, and on the first motion, viz: "That the declaration as presented by Wm. H. Newell, J. M. Vansyckle, Edward Barrington and E. A. Wilson, be placed upon the journal of this Council."

Mr. Tripp asked to be excused from voting.

On the question to excuse Mr. Tripp from voting on the motion before the house, the ayes and noes were called as follows:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Carried; and Mr. Tripp excused from voting on the motion before the House.

The question now recurring on the original motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Motion carried and declaration ordered spread upon the Council journal.

Mr. Vansyckle now moved that the contested case of McLane *vs.* Longmire be referred to the Committee on Elections to report.

Mr. Wilson offered the following substitute:

That the contested election between McLane and Longmire be referred to the Committee on Elections, with instructions to fully investigate any evidence brought forward in the case, and with power to send for witnesses and papers, and report the same to the Council without any unnecessary delay, as long as they have time to ascertain the truth and report it.

Substitute accepted by Mr. Vansyckle, and on this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle and Wilson—6.

Those voting in the negative were

Messrs. Bradshaw and Mr. President—2.

Motion carried and contest case so referred.

On motion of Mr. Blinn,

The petition of Isaac Higgins, praying for reimbursement and damages caused by the military officers of the U. S. Government on San Juan Island, was now taken up.

Mr. Wilson moved

That the petition be referred to a Select Committee to be appointed by the Council.

Carried, and Messrs. Blinn, Bradshaw and Barrington appointed by the Council as such Committee.

Mr. Bradshaw, on leave, introduced

C. J. M. No. 4, relative to mail route between Port Angeles and Port Townsend.

Read first time. No objection being made, the memorial was read second time, now, by title, and,

On motion of Mr. Wilson,

Referred to Committee on Judiciary.

On motion of Mr. Barrington,

C. B. No. 19 $\frac{1}{2}$, relative to pilots, was now taken from the table.

Mr. Bradshaw gave notice that he should introduce a bill on Monday next to create the office of Inspector of Fish, and one to create the county of Quillehuyte.

On motion of Mr. Bradshaw,

The Council resolved itself into a Committee of the Whole for the purpose of taking into consideration C. B. No. 19 $\frac{1}{2}$.

Mr. Vansyckle in the chair.

After the rising of which, the following report was submitted by the Chair.

MR. PRESIDENT:

The Committee of the Whole beg leave to report that they have had C. B. No. 19 $\frac{1}{2}$ under consideration, and have amended the same in various ways, and report the same back to the Council and recommend that the bill pass as amended.

J. M. VANSYCKLE,

Chairman.

On motion of Mr. Bradshaw,

The report of the Committee was received and adopted.

Mr. Bradshaw moved

That the rules be suspended and that the printed copy of C. B. No. 19 $\frac{1}{2}$ be considered as the engrossed copy, and that now be assigned as the time for the third reading of the same.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Newell, Tripp, Vansyckle and Mr. President—6.

Those voting in the negative were

Messrs. Blinn and Wilson—2.

Motion carried and bill read third time.

On motion of Mr. Bradshaw,

The rules were suspended and section 31 amended by adding the words "and fishing" after the word whaling, wherever the same occurs in said section.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Blinn—1.

Bill passed and title agreed to.

On motion of Mr. Bradshaw,

The vote whereby C. B. No. 19½ was passed was reconsidered and motion laid upon the table.

On motion of Mr. Vansyckle,

The Council adjourned until seven o'clock this evening.

SEVEN O'CLOCK, P. M.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

On motion of Mr. Vansyckle,

The rules were suspended and C. J. M. No. 5, asking for increased compensation for surveying lands west of the Cascade Mountains, in Washington Territory, read first time.

No objection being made, the memorial was read second time, now, by title, and,

On motion of Mr. Vansyckle,

The rules were suspended and the memorial read third time and passed.

C. B. No. 36, an act to vacate certain streets in the city of Vancouver, with report of Committee on same, was read second time.

On motion of Mr. Newell,
Council adjourned until 11 o'clock A. M. on Monday next.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Monday, Jan. 20th, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell,
Tripp, Vansyckle and Wilson.

Journal of Saturday read and approved.

Mr. Wilson, Chairman of the Committee on Engrossed Bills,
submitted the following report:

MR. PRESIDENT:

Your Committee on Engrossed Bills, to whom was referred
G. B. No. 24, have examined the same, and report it correctly
engrossed.

E. A. WILSON,
Chairman.

Mr. Wilson, Chairman of Committee on Counties, sub-
mitted the following reports:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred G.
B. No. 37, an act relative to the licensing and sale of spirituous
and malt liquors, have had the same under consideration, and
beg leave to report the bill back and recommend its indefinite
postponement.

E. A. WILSON,
Chairman.

MR. PRESIDENT :

Your Committee on Counties, to whom was referred C. B. No. 38, have had the same under consideration, and report the same back and recommend its passage.

E. A. WILSON,
Chairman.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted a report.

Mr. Vansyckle, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT :

Your Committee, to whom was referred H. J. R. No. 4, beg leave to report that they are of the opinion that the resolution, as amended by the insertion of the name of B. F. Dennison, will prove fatal to the resolution in the House ; therefore, your committee report back the resolution, and recommend that it pass as it came from the House.

C. M. BRADSHAW,
J. M. VANSYCKLE,

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred C. J. M. No. 4, in relation to mail route, beg leave to report the same back to the Council with the following amendments, and recommend its passage.

Strike out in the first and second lines of the prayer of said memorial the following words: "Pray your honorable body," and insert in lieu thereof the following: "Respectfully ask you."

C. M. BRADSHAW,
J. M. VANSYCKLE.

Mr. Blinn, on leave, introduced

C. B. No. 43, an act supplemental to an act entitled an act in relation to the county seat of Kitsap county.

Bill read first time. No objection being made, the bill was read second time, now, by title, and,

On motion of Mr. Vansyckle,
Referred to Committee on Federal Relations.

Mr. Newell, on leave, introduced

C. B. No. 44, an act relative to the collection of county revenue.

Read first and second time, and,

On motion of Mr. Vansyckle,
Referred to Committee on Judiciary.

Mr. Tripp, on leave, introduced

C. B. No. 43, an act to pay W. B. Grinell for services as Clerk of Committee on Election.

Read twice and referred to Committee on Claims.

Mr. Tripp, on leave, introduced

C. B. No. 46, an act to revise and digest the statute laws of the Territory of Washington.

Read first and second time, and,

On motion of Mr. Vansyckle,
Referred to Committee on Judiciary.

Mr. Tripp, on leave, introduced

C. B. No. 47, an act to lessen the costs of administration and to provide for the execution of wills in certain cases. Read twice, and,

On motion of Mr. Newell,
Referred to Committee on Corporations.

Mr. Tripp, on leave, introduced

C. B. No. 48, an act attaching certain counties to the First Judicial District for Judicial purposes. Read twice, and,

On motion of Mr. Tripp,
Referred to Committee on Counties.

Mr. Tripp, on leave, introduced

C. B. No. 49, an act to amend an act entitled an act to provide for the assessing and collecting of Territorial and County revenues, passed January, 1867. Read twice, and,

On motion of Mr. Newell,

Referred to Committee on Ways and Means, with instructions to print.

On motion of Mr. Blinn,

The rules were suspended for the purpose of submitting the report of the Special Committee to whom was referred the petition of Isaac E. Higgins.

Mr. Blinn, Chairman of Committee, introduced

C. J. M. No. 6, relative to the relief of Isaac E. Higgins.

Memorial read twice, and,

On motion of Mr. Newell,

Referred to Committee on Memorials.

Mr. Bradshaw, on leave, introduced

C. B. No. 50, an act to create and organize the county of Quillehuyte. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Counties.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES, }
Monday, Jan. 20th, 1868. }

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. B. No. 64, an act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington.

H. B. No. 65, an act to appoint Regents for the Territorial University.

H. B. No. 66, an act to define the duties of Inspectors of Elections.

H. B. No. 67, an act relating to writs of error and appeals to Supreme Court.

H. B. No. 68, an act appropriating money to repair a certain road and build the necessary bridges upon the same.

H. B. No. 69, an act to provide money for the redemption of Territorial road warrants.

H. B. No. 70, an act prescribing the mode of election of Territorial Auditor and Territorial Treasurer, which had their several readings, but failed to pass.

H. B. No. 71, an act to levy taxes on Kanakas.

H. B. No. 72, an act entitled an act extending the time for working on the public roads in Cowlitz county.

Also, the introduction and passage of

H. J. M. No. 19, praying Congress to appropriate the nett proceeds of the Internal Revenue collected in Washington Territory for the benefit of roads and highways.

L. B. ANDREWS,

Chief Clerk.

Mr. Bradshaw, on leave, introduced

C. B. No. 51, an act in relation to crimes and punishments and proceedings in criminal cases. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

Mr. Vansyckle, on leave, introduced

C. B. No. 52, an act to amend an act entitled an act regulating writs of error and appeals to the Supreme Court, passed Jan. 21, 1865.

On motion, the further reading of the bill was dispensed with, and bill laid on the table and ordered printed.

Mr. Bradshaw, on leave, introduced

C. B. No. 53, an act to create the office of inspector of fish. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

Mr. Newell, on leave, introduced

C. B. No. 54, an act requiring judges in certain cases to reduce to writing their instructions and charges to jurors. Read twice, and,

On motion of Mr. Newell,

Referred to Committee on Judiciary.

Mr. Vansyckle, on leave, introduced

C. B. No. 55, an act defining the rights and liabilities of married women.

On motion of Mr. Vansyckle,

The reading of the body of the bill was dispensed with, and bill read first and second times by title only, and,

On motion of Mr. Vansyckle,
Referred to Committee on Judiciary.

Mr. Vansyckle, on leave, introduced

C. B. No. 56, an act concerning trusts and powers. Read twice, and,

On motion of Mr. Vansyckle,
Referred to Committee on Judiciary.

Mr. Wilson, on leave, introduced,

C. B. No. 57, an act to provide for the payment of Richard Lane, chief clerk of the Council. Read twice, and,

On motion of Mr. Wilson,
Referred to Committee on Ways and Means.

C. B. No. 24, an act in relation to common schools in Washington Territory.

Read third time, passed and title agreed to.

C. J. R. No. 4, relative to mail route between Port Angeles and Port Townsend, with report of Committee on same, was read second time.

On motion of Mr. Bradshaw,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The rules were suspended and the memorial read third time and passed.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Monday, Jan. 20th, 1868. }

I am instructed by the House of Representatives to inform the Council that the Speaker has signed the following:

An act fixing the compensation of the Treasurer of Walla Walla county.

An act regulating fees and costs in Walla Walla county.

An act defining the boundary lines of Island county, W. T.

An act regulating the fees of the County Auditor of Walla Walla county.

An act to legalize the official acts of Joseph Hill, County Auditor, and his deputy.

An act to appropriate money for the payment of freight charges on certain books belonging to the Territorial library, now in possession of J. H. Munson.

An act to amend an act entitled an act to apportion the members of the Council and members of the House of Representatives of Washington Territory.

An act to regulate the fees of the Clerk of the District Court in and for Walla Walla county.

An act to create and regulate the office of inspector of salmon.

An act supplemental to an act entitled an act to incorporate the Coal Creek Road Company, approved January 31st, 1867.

Memorial praying for weekly service on mail route No. 15,404.

Memorial in relation to the condition of citizens of the United States residing on San Juan Island, Whatcom county.

Resolution instructing Delegate to secure appropriation for removing obstructions in Chehalis river, W. T.

Joint resolution in relation to the erection of a light house at the entrance of Gray's Harbor, W. T.

L. B. ANDREWS,

Chief Clerk.

C. B. No. 38, an act to provide for the building of a bridge over the Dungeness river in Clallam county, W. T., together with report of Committee on same, was read second time.

On motion of Mr. Wilson,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Wilson,

The rules were suspended, bill read third time, now, passed and title agreed to.

H. J. R. No. 4, in relation to revising and codifying the laws of Washington Territory, with report of Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Vansyckle moved

That the report be adopted.

Division called for and motion lost.

On motion of Mr. Bradshaw,

The resolution was laid on the table.

C. B. No. 37, an act relating to the licensing of the sale of spirituous and malt liquors, with report of Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Wilson moved

That the report be adopted and the bill be indefinitely postponed.

On the question of suspending the rules and assigning now as the time for the third reading of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Those voting in the negative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Motion lost.

The question recurring on the indefinite postponement of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Motion carried and bill indefinitely postponed.

Mr. Vansyckle, on leave, introduced

C. B. No. 58, an act in relation to spirituous and malt liquors.

On motion of Mr. Vansyckle,

The bill was read by title only. No objection being made,
it was read second time, now, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

Mr. Bradshaw, on leave, introduced

C. B. No. 59, an act requiring the return of the Territorial
arms to the Territorial armory, received its two several read-
ings, and,

On motion of Mr. Vansyckle,

Referred to Committee on Military Affairs.

Mr. Newell, on leave, introduced

C. B. No. 60, an act fixing the time for electing Delegate
to Congress.

Read first time.

Mr. Bradshaw moved

That the bill be rejected.

On this motion, the ayes and noes were called with the fol-
lowing result:

Those voting in the affirmative were

Mr. Bradshaw—1.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wil-
son and Mr. President—7.

No objection being made, the bill was read second time,
now, by title, and,

On motion of Mr. Vansyckle,

Referred to Committee on Mines and Mining.

C. B. No. 36, an act to vacate certain streets in the city of
Vancouver.

Read third time.

On the final passage of this bill, the ayes and noes were
called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Van-
syckle, Wilson and Mr. President—8.

Those voting in the negative were

None.

Bill passed and title agreed to.

Mr. Blinn, on leave, introduced

C. B. No. 61, an act supplemental to an act entitled an act in relation to pilots on the Straits of Juan de Fuca, and all American waters appertaining thereto, passed January, 1868. twice, and,

On motion of Mr. Blinn,

Referred to Committee on Commerce.

C. B. No. 30, relative to the admission of this Territory into the Union as a State, with report of Committee on same, was read second time.

On motion of Mr. Wilson,

The report of the Committee was received and Committee discharged from further consideration of the subject.

On motion of Mr. Wilson,

The rules were suspended and now assigned as the time for the third reading of the bill.

On the final passage of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Blinn and Bradshaw—2.

Bill passed and title agreed to.

The President gave notice that he was about to sign the following :

An act to amend an act entitled an act to apportion the members of the Council and the members of the House of Representatives of Washington Territory.

An act to create and regulate the office of inspector of salmon.

An act supplemental to an act entitled an act to incorporate the Coal Creek Road Company, approved Jan. 31, 1867.

An act to legalize the official acts of Joseph Hill, County Auditor, and his deputy.

An act to regulate the fees of the Clerk of the District Court in and for Walla Walla county.

An act to appropriate money for the payment of freight charges on certain books belonging to the Territorial library, now in possession of J. H. Munson.

Joint resolution in relation to the erection of a light house at the entrance of Gray's Harbor, W. T.

Memorial in relation to the condition of citizens of the United States residing on San Juan Island, Whatcom county.

Memorial praying for weekly service on mail route No. 15,404.

Resolution instructing Delegate to secure appropriation for removing obstructions in Chehalis river, W. T.

On motion of Mr. Wilson,

The Council Resolution, requiring at least two-thirds of the members of the Council to demand the ayes and noes, was now taken up and read third time, and, on the adoption of this resolution, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Blinn—2.

Carried and resolution adopted.

C. S. for C. B. No. 34, an act reducing the compensation of the Judges of the Probate Court. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

On motion of Mr. Tripp,

C. B. No. 22, an act to permanently locate the seat of Government of Washington Territory, was now taken up and read third time.

Mr. Bradshaw moved

A suspension of the rules for the purpose of amending the bill.

On this motion, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Blinn, Bradshaw and Wilson—3.

Those voting in the negative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Mr. President—5.

Motion lost.

On the final passage of this bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Mr. President—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Wilson—3.

Bill passed and title agreed to.

On motion of Mr. Newell,

The Clerk was instructed to inform the House forthwith of the passage in the Council of C. B. No. 22.

H. B. No. 56, an act reducing the compensation of prosecuting attorneys. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle, Wilson and Mr. President—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Tripp—3.

Bill passed and title agreed to.

Mr. Vansyckle, on leave, introduced

C. B. No. 62, an act for the relief of the Sheriffs of the different counties of Washington Territory. Read twice, and,

On motion of Mr. Vansyckle,
Referred to Committee on Judiciary.

H. B. No. 57, an act entitled an act relating to licenses in Walla Walla county. Read twice, and,

On motion of Mr. Newell,
The rules were suspended and bill read third time, now, passed and title agreed to.

Mr. Wilson moved

That the rules be suspended and that the President of the Council appoint a Select Committee to examine the report of the Board of Regents of the Territorial University, and report the same to this Council. Motion carried, and Messrs. Wilson, Blinn and Bradshaw were appointed as such Committee.

Mr. Wilson wished to be excused from serving on this Committee, and Mr. Newell was appointed in his stead.

H. B. No. 24, an act to appropriate money to complete the construction of a certain road. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On the final passage of the bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Newell, Tripp, Vansyckle, Wilson and Mr. President—8.

Those voting in the negative were

None.

Bill passed and title agreed to.

H. B. No. 40, an act to authorize Registers of Land Offices to take acknowledgments of deeds within the Territory. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

H. B. No. 26, an act to fix the times for holding the sessions of the Legislative Assembly of the Territory of Washington. Read twice:

Mr. Newell moved

The rules be suspended and bill read third time, now.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Newell, Vansyckle, Wilson and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Bradshaw, Blinn and Tripp—4.

Motion lost.

On motion of Mr. Vansyckle,

Referred to Committee on Memorials.

On motion of Mr. Bradshaw,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Jan. 21st, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Journal of yesterday read and approved.

Mr. Tripp, Chairman of Committee on Military Affairs, submitted the following report:

MR. PRESIDENT:

Your Committee on Military Affairs, to whom was referred Council Bill No. 59, an act requiring the return of Territorial arms to the Territorial armory, report that they have considered the same, and deeming it impracticable to carry out,

the provisions of the proposed law, recommend the indefinite postponement of the bill.

A. G. TRIPP,

Chairman.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following reports :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred C. B. No. 51, beg leave to report the same back to the Council and recommend its passage.

The act which this bill proposes to amend seems deficient in this: Section nine provides that offences at common law, not specially provided for by statute, shall be indictable, but does not provide a punishment. This bill affixes the penalty.

C. M. BRADSHAW,

Chairman.

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred C. B. No. 44, beg leave to report the same back to the Council with the following amendment, and recommend its passage.

Strike out, after the enacting clause, the words, "That, whereas, under the laws for the collection of revenue, any county orders may be received in payment of taxes, the officer receiving the same," and insert in lieu thereof, the following: "That any officer receiving a county order in payment of taxes."

C. M. BRADSHAW,

Chairman.

MR. PRESIDENT :

Your Committee on Judiciary, to whom was submitted C. B. No. 46, have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement.

Your Committee deem it unwise to authorize three persons to perform what is but the work of one; also, that it is unwise to entrust the same to practicing attorneys, as our laws might

be framed to suit their convenience, and fitted to cases in Court rather than to the administration of impartial justice. .

C. M. BRADSHAW,

Chairman.

Mr. Bradshaw, Chairman of Committee on Ways and Means, submitted the following report :

MR. PRESIDENT :

Your committee, to whom was referred C. B. No. 57, relative to paying Richard Lane, have had the same under consideration, and recommend that it be amended by striking out in the sixth and seventh lines, the words "either of," and in the seventh line the word "officers," and inserting "officer," and that the bill pass.

C. M. BRADSHAW,

Chairman.

Mr. Blinn, Chairman of the Committee on Federal Relations, submitted the following report :

MR. PRESIDENT :

Your Committee on Federal Relations, to whom was referred C. B. No. 43, have had the same under consideration, and beg to refer the same back and recommend its passage.

MARSHALL BLINN,

Chairman.

Mr. Vansyckle, Chairman of Committee on Memorials, submitted the following report:

MR. PRESIDENT :

Your Committee, to whom was referred H. B. No. 26, changing the time of holding the sessions of the Territorial Legislature, have had the same under consideration, and beg leave to report the same back and recommend that the same pass.

J. M. VANSYCKLE,

Chairman.

MR. PRESIDENT :

Your Committee to whom was referred C. B. No. 48, relative to the sale of spirituous and malt liquors, have had the

same under consideration, and beg leave to report the same back and recommend that the same pass.

J. M. VANSYCKLE,
Chairman.

MR. PRESIDENT :

Your Committee to whom was referred J. M. No. 6, relative to relief to Isaac E. Higgins, have had the same under consideration, and beg leave to report the same back and recommend that the same pass.

J. M. VANSYCKLE,
Chairman.

Mr. Wilson, Chairman of Committee on Counties, submitted the following reports :

MR. PRESIDENT :

Your Committèe on Counties, to whom was referred C. B. No. 50, an act creating and organizing the county of Quillehuyte, have had the same under consideration, and beg leave to report the same back and recommend that it do not pass, as, in the opinion of your Committee, there is not sufficient population to sustain a county organization.

E. A. WILSON,
Chairman.

MR. PRESIDENT :

Your Committee on Counties, to whom was referred C. B. No. 48, have had the same under consideration, and beg leave to report the same back and recommend its passage.

E. A. WILSON,
Chairman.

Mr. Tripp, Chairman of Committee on Corporations, submitted the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred C. B. No. 40, an act to provide for the removal of obstructions in the Cowlitz river, have had the same under consideration, and recommend that the bill pass.

A. G. TRIPP,
Chairman.

On motion of Mr. Wilson,

The rules were suspended and H. B. No. 39, an act to provide for the removing of obstructions in the Chehalis river, was now taken up and read second time.

Mr. Wilson moved

To amend by striking out the words "John Fry," wherever the same occurs in said bill, and insert in lieu thereof the words "S. Wiley."

Motion carried and bill so amended.

On motion of Mr. Wilson,

The rules were further suspended and bill read third time, now, passed and title agreed to.

Mr. Newell, on leave, submitted the following report:

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred C. B. No. 47, an act to lessen the costs of administration and to provide for the execution of the provisions of wills in certain cases, find the original bill imperfect, and recommend the enclosed as a substitute for the original.

A. G. TRIPP,
Chairman.

C. B. No. 52, an act to amend an act entitled an act regulating writs of error and appeals to the Supreme Court.

Read second time.

C. B. No. 59, an act requiring the return of Territorial arms to the Territorial armory, with report of Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report of the Committee was received and Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The rules were suspended and bill read third time, now.

On motion of Mr. Wilson,

The vote whereby the bill was passed to its third reading was reconsidered, and,

On motion of Mr. Wilson,

Referred to Committee on Judiciary.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Tuesday, Jan. 21st, 1868. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the introduction in the House of Representatives of the following :

H. J. R. No. 10, relative to University fund.

H. J. M. No. 20, relative to an appropriation for an insane asylum.

H. B. No. 73, an act relative to estrays.

H. B. No. 74, an act relative to delinquent Territorial tax of Cowlitz county.

H. B. No. 75, an act appropriating certain taxes for a certain road, and regulating the expenditure thereof.

H. B. No. 76, an act entitled an act to amend an act to provide for the assessing and collecting of Territorial and county revenue.

H. B. No. 77, an act to amend an act entitled an act in relation to the construction of roads and highways in Washington Territory, and defining the duties of road supervisors, approved Jan. 30th, 1867.

H. B. No. 78, an act entitled an act relating to fees of witnesses and jurors in the Territory of Washington.

H. B. No. 79, an act to provide for redeeming the county scrip of Island county.

H. B. No. 80, an act to locate a Territorial road from Rockland, in Klikitat county, to the Yakima, in Yakima county.

H. B. No. 82, an act conferring jurisdiction on a District Court for Yakima, Klikitat and Skamania.

H. B. No. 83, an act relating to the lien of judgments and the time within which the same may be in force.

H. B. No. 84, an act to dissolve the bonds of matrimony heretofore existing between Gertrude J. White and Leonard White.

H. B. No. 85, an act to repeal an act entitled an act to amend an act relating to crimes and punishments and proceedings in criminal cases.

H. B. No. 86, an act for the relief of Daniel Bagley.

H. B. No. 87, an act to provide for the payment of L. B. Andrews, Chief Clerk of the House of Representatives.

H. B. No. 88, an act to provide for making certain indexes in Walla Walla county.

H. B. No. 89, an act to change the county lines of Thurston county.

Also, that the Speaker has signed

An act in relation to the county seat in Kitsap county.

An act exempting certain firemen from jury duty and from paying certain taxes.

An act to amend an act entitled an act to regulate marriages.

An act to provide for the payment of Wm. R. Downey, for labor and supplies performed and furnished in repairing the military road from Fort Steilacoom to Fort Walla Walla, through the Natchess pass road.

Joint resolution relative to adjournment over the holidays.

L. B. ANDREWS,

Chief Clerk.

C. B. No. 51, an act requiring judges in certain cases to reduce to writing their instructions and charges to jurors, with report of Committee on same, was read second time.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

Bill read third time, now, passed and title agreed to.

C. B. No. 51, an act to amend an act entitled an act in relation to crimes and punishments and proceedings in criminal cases, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The rules were suspended and bill read third time, now.

On motion of Mr. Vansyckle,

The vote whereby the bill was passed to its third reading was reconsidered, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

C. B. No. 44, an act relative to the collection of county revenue, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The report was adopted and bill amended in conformity therewith.

On motion of Mr. Bradshaw,

The bill was ordered engrossed and the amendments incorporated therein.

C. J. M. No. 6, relative to the relief of Isaac B. Higgins, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The Clerk was instructed to report to the House forthwith all bills and memorials passed by the Council this day.

C. B. No. 57, an act to provide for the payment of Richard Lane, Chief Clerk of the Council, with report of Committee on same, was read second time.

On motion of Mr. Bradshaw,

The rules were suspended, bill considered, engrossed, and now assigned as the time for the third reading.

Read third time, passed and title agreed to.

C. B. No. 53, an act supplemental to an act entitled an act in relation to the county seat of Kitsap county, passed January 15, 1868, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Blinn,

The rules were suspended, bill read third time, passed and title agreed to.

O. B. No. 46, an act to revise and digest the statute laws of the Territory of Washington, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The report was adopted and bill indefinitely postponed.

H. B. No. 26, an act to fix the time for holding sessions of the Territorial Legislature, with report of Committee on same, was read second time.

Report received and Committee discharged, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On motion of Mr. Wilson,

The bill was laid on the table.

O. B. No. 58, an act relative to the sale of spirituous and malt liquors, with report of Committee on same, was read second time.

The report of the Committee was received and Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The bill was laid on the table and ordered printed.

O. B. No. 50, an act organizing the county of Quillehnye, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Newell moved

The bill be indefinitely postponed.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Newell, Tripp, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Barrington, Bradshaw, Blinn and Mr. President—4.

Motion lost.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw and Mr. President—4.

Those voting in the negative were

Messrs. Newell, Tripp and Vansyckle—3.

Bill passed and title agreed to.

Mr. Vansyckle moved

That the rules be suspended for the purpose of allowing the member from Walla Walla to submit a resolution to this Council.

Motion lost.

C. B. No. 48, an act attaching certain counties to the first Judicial District for Judicial purposes, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Newell,

Laid on the table.

C. B. No. 44, an act to provide for the removal of obstructions in the Cowlitz river, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

C. B. No. 47, an act to reduce the costs of administration of estates and to provide for the execution of wills in certain cases, with report of Committee on same, was read second time.

The report was received and Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The substitute offered by the Committee was read first time, now.

No objection being made, the bill was read second time, now, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle, Wilson and Mr. President—3.

Those voting in the negative were

Messrs. Blinn and Bradshaw—2.

Bill passed and title agreed to.

H. B. No. 44, an act to provide for the payment of interest on Territorial warrants.

Bill read first time. No objection being made, the bill was read second time now, and,

On motion of Mr. Wilson,

Referred to Committee on Territorial Library.

H. B. No. 43, an act in relation to road taxes in Snohomish county. Read twice, and,

On motion of Mr. Wilson,

Referred to Committee on Counties.

H. B. No. 46, an act to repeal an act entitled an act in relation to road taxes in Snohomish county. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Counties.

H. B. No. 38, an act amendatory of an act entitled an act relating to elections and the mode of filling vacancies. Read twice, and,

On motion of Mr. Bradshaw,

Referred to Committee on Elections.

H. B. No. 41, an act to protect sheep and other domestic animals from the ravages of dogs. Read twice, and,

On motion of Mr. Newell,

Referred to Committee on Territorial Library.

H. B. No. 25, an act to legalize the acts of County Commissioners in certain cases. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Territorial Library.

Substitute for H. B. No. 1, an act to prevent the burning of prairie and grass lands. Read twice, and,

On motion of Mr. Newell,

Referred to Committee on Territorial Library.

On motion of Mr. Tripp,

C. B. No. 26, an act to incorporate the City of Vancouver, was now taken up.

On motion of Mr. Newell,

C. B. No. 26 was made the special order of the day for to-morrow, at eleven o'clock, A. M.

On motion of Mr. Newell,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Jan. 22d, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Barrington, chairman of Committee on Claims, submitted the following report:

MR. PRESIDENT:

Your Committee on Claims beg leave to return C. B. No. 45, an act to pay W. B. Grinnell for services as clerk of Committee on Elections, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

E. BARRINGTON,

Chairman.

Mr. Vansyckle, from Committee on Elections, submitted the following report:

MR. PRESIDENT:

Your Committee, to whom was referred H. B. No. 38, relative to Elections and the mode of conducting the same, have had the same under consideration, and beg leave to report the same back and recommend that it pass without amendment.

J. M. VANSYCKLE,

Chairman.

Mr. Newell, Chairman of Committee on Territorial Library, submitted the following reports:

MR. PRESIDENT:

Your Committee on Territorial Library, to whom was referred H. B. No. 44, an act entitled an act to provide for the payment of interest on Territorial warrants, deem the proposition eminently just, and therefore recommend that the bill pass.

W. H. NEWELL,

Chairman.

MR. PRESIDENT:

Your Committee to whom was referred H. B. S. No. 1, an act entitled an act to prevent the burning of the prairie or grass land in the counties of Walla Walla, Stevens, Yakima and Klikitat, have had the same under consideration, and recommend that the bill pass.

W. H. NEWELL,

Chairman.

MR. PRESIDENT:

Your Committee on Territorial Library, to whom was referred H. B. No. 41, an act to protect sheep and other domestic animals from the ravages of dogs, have considered the same, and recommend that section six of the proposed law be amended by striking out the words "Walla Walla." With this amendment they recommend that the bill pass.

W. H. NEWELL,

Chairman.

MR. PRESIDENT:

Your Committee to whom was referred H. B. No. 24, an act to legalize the acts of County Commissioners in certain cases, have had the same under consideration, and recommend that the bill pass.

W. H. NEWELL,

Chairman.

Mr. Wilson, Chairman of Committee on Counties, submitted the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred H. B. Nos. 46 and 48, have had the same under consideration, and beg leave to report the same back and recommend their passage.

E. A. WILSON,

Chairman.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following reports:

MR. PRESIDENT:

Your committee, to whom was referred C. B. No. 51, an act to amend an act relative to crimes and punishments, have had the same under consideration, and report a substitute and recommend its passage.

C. M. BRADSHAW,

Chairman.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was submitted C. B. No. 29, an act relative to Territorial arms, have had the

same under consideration, and recommend the following amendment:

Insert in eighth line of the first section after the word "same," "to the auditors of their respective counties," and also advise that the bill, as amended, pass.

O. M. BRADSHAW,

Chairman.

Mr. Newell submitted the following preamble and resolution:

WHEREAS, It has come to the knowledge of this Council that a memorial has been introduced and is now pending in the House, in which that branch of the Legislature assumes to memorialize Congress, without the concurrence of the Council; and,

WHEREAS, Such a procedure is discourteous and calculated to disturb the harmony that should prevail between the two Houses; therefore,

Be it resolved, That a communication be at once addressed to the House, through the Chief Clerk, asking whether any such memorial has been entertained, and, if so, the reason for ignoring a co-ordinate branch of the Legislature.

Mr. Vansyckle moved

A suspension of the rules, and that the resolution be placed upon its final passage.

Motion lost.

On motion of Mr. Wilson,

The preamble and resolution was laid on the table and ordered printed.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 22d, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. B. No. 61, an act for the relief of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and J. M. Murphy.

H. B. No. 64, an act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington.

An act to amend an act entitled an act to provide for the formation of corporations for certain purposes, approved Jan. 27th, 1866.

Substitute to H. B. No. 8, an act in relation to fees and costs in civil actions.

H. B. No. 65, an act to appoint Regents for the Territorial University.

H. B. No. 84, an act to dissolve the bonds of matrimony heretofore existing between Gertrude J. White and Leonard White.

H. B. No. 17, an act to regulate interest on money and prevent usury.

Also, that the House has indefinitely postponed

H. B. No. 16, an act entitled an act relating to public policy.

Also, that the Speaker of the House has signed the following:

An act to appropriate money to complete the construction of a certain road.

An act entitled an act relating to licenses in the county of Walla Walla.

An act reducing the compensation of Prosecuting Attorneys.

An act to authorize Registers of Land Offices to take acknowledgments of deeds within the Territory.

L. B. ANDREWS,

Chief Clerk.

C. B. No. 26, an act incorporating the City of Vancouver, having been made the special order of the day, was now taken up.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

The President gave notice that he was about to sign the following:

An act to reduce the compensation of Prosecuting Attorneys.

An act enabling Registers of Land Offices to take acknowledgments of deeds within the Territory.

An act entitled an act relating to licenses in the county of Walla Walla.

An act to appropriate money to complete the construction of a certain road.

C. B. No. 44, an act in relation to the collection of county revenue.

Bill read third time, now, passed and title agreed to.

C. B. No. 51, an act to amend an act entitled an act in relation to crimes and punishments and proceedings in criminal cases, with report of Committee on same, was now taken up.

On motion of Mr. Vansyckle,

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The substitute offered by the Committee was read first time.

No objection being made, the bill was read second time, now.

Mr. Vansyckle moved

The bill be amended by inserting in section second the words.

On motion of Mr. Vansyckle,

The bill as amended was considered engrossed, read third time, now, passed and title agreed to.

H. B. S. No. 1, relative to burning grass and prairie lands in the counties of Walla Walla, Stevens and Klikitat, with report of Committee on same, was read second time.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The rules were suspended, bill read third time, now, passed and title agreed to.

Report of Committee on H. B. No. 25, an act to legalize the acts of County Commissioners in certain cases, was read.

The report was received and Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

Bill read third time, now, passed and title agreed to.

Report of Committee on H. B. No. 44, an act to provide for the payment of interest on Territorial warrants, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

Bill read third time, now, passed and title agreed to.

Report of Committee on H. B. No. 38, an act amendatory of an act entitled an act in relation to elections and the mode of filling vacancies, was read.

The report of the Committee was received and Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The bill was read third time, now.

On motion of Mr. Wilson,

The rules were suspended for the purpose of offering an amendment.

Mr. Wilson moved

The bill be amended by striking out of line 18 of the printed copy the word "estimate," and insert in lieu thereof the word "count;" also, that the following be added to the bill:

And it shall be deemed a misdemeanor in the County Auditor, if he shall reject or refuse to return the total number of votes as counted, if such votes can be with reasonable certainty ascertained.

All acts or parts of acts in conflict herewith be and the same are hereby repealed.

Motion carried and bill so amended.

On motion of Mr. Bradshaw,

C. B. No. 38 was made the special order of the day for tomorrow at eleven o'clock.

The following message was here received from his Excellency the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
Olympia, Jan. 22d, 1868.

MR. PRESIDENT:

I have the honor to inform, through you, the Hon. Council, that I have approved the following bills:

An act defining the boundary lines of Island county, W. T.

An act fixing the compensation of the Treasurer of Walla Walla county.

An act regulating fees and costs in Walla Walla county.

An act regulating the fees of the County Auditor of Walla Walla county.

I am, sir, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

Mr. Vansyckle moved

That H. J. R. No. 4, relative to revising and codifying the laws of Washington Territory, be now taken up.

Motion lost.

Report of Committee on H. B. No. 46, an act to repeal an act entitled an act in relation to road taxes in Snohomish county, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The bill was read third time, now, passed and title agreed to.

Report of Committee on H. B. No. 48, an act in relation to road taxes in Snohomish county, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

Bill was read third time, now, passed and title agreed to.

Report of Committee on C. B. No. 29, an act in relation to Territorial arms, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

Bill read third time, now, passed and title agreed to.

Report of Committee on C. B. No. 45, an act to pay W. B. Grinell for services as Clerk of Committee on Elections, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The bill was read third time, now, passed and title agreed to.

Report of Committee on C. B. No. 49, an act to amend an act entitled an act to provide for the assessing and collecting of Territorial and County revenue, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The bill was laid on the table and made the special order of the day for to-morrow.

Report of Committee on H. B. No. 4, an act to protect sheep and other domestic animals from the ravages of dogs, was read.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Bradshaw called for the reading of the bill for information.

Mr. Bradshaw moved

That the bill be indefinitely postponed.

Division called for and motion lost.

On motion of Mr. Wilson,

The bill was amended by striking out the words "Walla Walla, and,"

On motion of Mr. Wilson,

Bill laid on the table.

On motion of Mr. Wilson,

The Clerk was instructed to report to the House, forthwith, all bills passed by the Council this day.

On motion of Mr. Bradshaw,

C. B. No. 19, an act defining and punishing libel, was now taken up and read second time, and,

On motion of Mr. Blinn,

Referred to Committee on Judiciary.

On motion of Mr. Blinn,

The rules were suspended for the purpose of allowing the Committee to report on C. J. R. No. 4, after which, the Committee submitted the following report:

MR. PRESIDENT:

Your Committee, to whom was referred C. J. R. No. 4, report the same back and recommend its passage.

MARSHALL BLINN,

Chairman.

Resolution read second time, now, by title, and,

On motion of Mr. Vansyckle,

Laid on the table.

Mr. Wilson moved to adjourn.

Motion lost.

Substitute for H. B. No. 8, an act in relation to fees and costs in civil actions, received its two several readings, and,

On motion of Mr. Vansyckle,

Referred to Committee on Judiciary.

H. B. No 61, an act for the relief of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and John M. Murphy, received its two several readings, and,

On motion of Mr. Vansyckle,

Referred to Committee on Claims.

H. B. No. 84, an act to dissolve the bonds of matrimony existing between Gertrude and Samuel White,

Read first time. Objection being made to the second reading now,

Mr. Bradshaw moved

The rules be suspended and bill read second time, now.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Blinn and Wilson—3.

Motion lost.

On motion of Mr. Vansyckle,

Referred to Committee on Memorials.

H. B. No. 45, an act to amend an act entitled an act to provide for the formation of corporations for certain purposes. Read twice, and,

On motion of Mr. Wilson,

Referred to Committee on Corporations with instructions to print.

H. B. No. 65, an act to appoint Regents for the Territorial University.

Bill read first time.

H. B. No. 64, an act to amend an act in relation to holding the several Courts in the Territory of Washington.

Read first time, and,

On motion of Mr. Wilson,

Laid on the table.

H. J. M. No. 17, relative to building a military road from Fort Steilacoom to Walla Walla. Read twice, and,

On motion of Mr. Wilson,

Referred to Committee on Memorials.

On motion of Mr. Wilson,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 23d, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle, of Committee on Judiciary, submitted the following reports :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred C. B. No. 62, relative to the relief of the sheriffs of the Territory, have had the same under consideration, and beg leave to report the same back and recommend that the same pass.

J. M. VANSYCKLE,
Chairman.

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred H. J. M. No. 17, relative to military wagon road from Steilacoom to Monticello, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

J. M. VANSYCKLE,
Chairman.

MR. PRESIDENT :

The minority of your Committee, to whom was referred H. B. No. 84, relative to dissolving the bonds of matrimony now existing between Gertrude J. and Leonard White, have had the same under consideration, and beg leave to report that notwithstanding a great aversion to this kind of legislation by Territorial assemblies, still, the case under consideration presents such a peculiar state of facts, from both the parties in interest, each requesting the favor of a dissolution of the bonds of matrimony existing between them, your Committee feel warranted,

in this case, to depart from the usual order on such petitions, and recommend the passage of this bill.

J. M. VANSYCKLE,

Chairman.

Mr. Barrington, Chairman of Committee on Commerce, submitted the following report :

MR. PRESIDENT :

Your Committee on Commerce, to whom was referred H. B. No. 61, relative to the claims of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and John M. Murphy, have had the same under consideration, and beg leave to report the same back to the Council and recommend its passage.

E. BARRINGTON,

Chairman.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following reports :

MR. PRESIDENT :

Your committee, to whom was referred C. B. No. 19, an act defining and punishing libel, have had the same under consideration, and beg leave to report the same back and recommend its passage.

C. M. BRADSHAW,

Chairman.

MR. PRESIDENT :

Your Committee on Judiciary, to whom was submitted H. B. No. 8, an act in relation to fees and costs in civil actions, have had the same under consideration, and believing that officers of Courts are sufficiently protected by the statute allowing them to demand their fees before performing any service officially, recommend that the bill be indefinitely postponed.

C. M. BRADSHAW,

Chairman.

Mr. Blinn, Chairman of Committee on Memorials, submitted the following majority report :

MR. PRESIDENT :

Your Committee on Memorials, to whom was referred

H. B. No. 84, have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement, on the grounds that we have, at the present session of this Legislature, refused to pass one case of this nature, believing the passage of this bill would open the door to inconceivable mischief.

MARSHALL BLINN,

Chairman.

Mr. Tripp, Chairman of Committee on Corporations, submitted the following reports:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred H. B. No. 45, an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, approved Jan. 27th, 1866, have had the same under consideration, and beg leave to report it back and recommend its passage.

A. G. TRIPP,

Chairman.

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred H. B. No. 65, an act to appoint Regents for the Territorial University, have had the same under consideration, and recommend that the bill pass.

A. G. TRIPP,

Chairman.

H. B. No. 65, an act to appoint Regents for the Territorial University, was read second time.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On motion of Mr. Bradshaw,

Referred to Committee on Corporations.

Report of Committee on H. B. No. 45, an act in regard to Corporations, was read.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Blinn called for a reading of the bill for information.

Mr. Vansyckle moved.

That now be assigned as the time for the third reading of the bill.

Motion lost.

Report of Committee on substitute for H. B. No. 8, an act in relation to fees and costs in civil actions, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The bill was indefinitely postponed.

Report of Committee on H. B. No. 61, an act for the payment of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and John M. Murphy, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

Bill read third time, now, passed and title agreed to.

Majority and minority reports of Committee on H. B. No. 84, relative to dissolving the bonds of matrimony existing between Gertrude and Leonard White, were read.

The reports were received and the Committee discharged from further consideration of the subject.

On motion of Mr. Bradshaw,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw, Tripp and Vansyckle—3.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell, Wilson and Mr. President—5.

Motion lost.

Report of Committee on C. B. No. 53, an act to restrain and license dance and hurdy-gurdy houses, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

Bill amended as recommended by Committee.

Report of Committee on C. B. No. 62, an act for the relief of the sheriffs of the different counties of Washington Territory, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 23d, 1868. }

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following :

H. B. No. 43, an act to amend an act entitled an act to incorporate the city of Port Townsend, Jefferson county, W. T.

H. B. No. 50, an act to regulate the fees of county officers in Clallam county.

H. B. No. 59, an act to amend an act entitled an act to protect sheep and wool growers in the counties of Pierce, Lewis, Snohomish, Thurston, Clark, Stevens and Jefferson, approved January 31st, 1867.

H. B. No. 62, an act for the protection of stock raisers in Walla Walla, Klikitat and Yakima counties.

H. B. No. 72, an act entitled an act extending the time for working on the public roads in Cowlitz county.

Also, that H. B. No. 31, an act more specifically defining the duties of County and Territorial officers, failed to pass the House.

Also, that H. B. No. 42, an act to create the office of Territorial Superintendent of common schools, and define his duties, was indefinitely postponed.

L. B. ANDREWS,
Chief Clerk.

MR. PRESIDENT:

I am instructed by the House to inform the Council of the passage in the House of C. B. No. 21, with the following amendments:

That in section four, in first line after the word "honorable," that the words "C. B. Darwin" be stricken out, and the words "J. E. Wyche" be inserted in lieu thereof.

That in section five, in the first line, after the word "honorable," that the words "J. E. Wyche" be stricken out, and the words "C. B. Darwin" be inserted in lieu thereof.

L. B. ANDREWS,

Chief Clerk.

The report of Committee on H. J. M. No. 17, relative to a military road from Fort Steilacoom, Puget Sound, to Monticello, on the Cowlitz river, in Washington Territory, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The memorial was read third time, now, and passed.

On motion of Mr. Bradshaw,

The Council resolved itself into a Committee of the Whole for the purpose of taking into consideration H. B. No. 38, an act in relation to elections and the mode of supplying vacancies.

Mr. Newell was appointed Chairman of Committee, and after the rising of which, the following report was submitted:

MR. PRESIDENT:

Your Committee of the Whole, to whom was referred H. B. No. 38, would report progress and ask leave to sit again.

W. H. NEWELL,

Chairman.

On motion, the Report of Committee was received and leave granted to sit again.

H. B. No. 41, an act to protect sheep and other domestic animals from the ravages of dogs, having been made the special order of the day, was now taken up, read second time, and referred to the delegation from Clark county.

On motion of Mr. Wilson,

C. B. No. 28, an act in relation to change of venue and proceedings in criminal cases, was now taken from the table.

Mr. Wilson moved

To amend section 4, by inserting, in second line of said section, the words, "sixty days," after the word "force."

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Newell, Tripp, Vansyckle, Wilson and Mr. President—5.

Those voting in the negative were

Messrs. Barrington, Binn and Bradshaw—3.

Motion carried and bill so amended.

Mr. Vansyckle moved

The rules be suspended and bill read third time, now.

Mr. Tripp moved

The indefinite postponement of the bill.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Tripp and Wilson—3.

Those voting in the negative were

Messrs. Barrington, Bradshaw, Newell, Vansyckle and Mr. President—5.

Motion lost.

The motion recurring on the third reading of the bill, was carried and bill read third time, now.

Mr. Bradshaw moved to adjourn.

Motion lost.

The Council here took a recess of ten minutes.

Council came to order.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Vansyckle and Wilson.

Absent—Mr. Tripp.

On motion of Mr. Vansyckle,

C. B. No. 28 was amended by striking out of line two of section four the word "sixty," and inserting in lieu thereof the word "thirty."

Bill, as amended, passed and title agreed to.

On motion of Mr. Newell,

H. B. No. 21, an act defining the Judicial Districts of Washington Territory, and assigning the Judges thereto, was now taken up.

On motion of Mr. Newell,

The Council concurred in the amendments proposed by the House.

On motion of Mr. Newell,

The Clerk was instructed to inform the House, forthwith, of such concurrence.

On motion of Mr. Newell,

H. B. No. 26, an act to fix the time for holding the sessions of the Territorial Legislature, was now taken up.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Mr. Bradshaw—1.

Bill passed and title agreed to.

On motion of Mr. Newell,

C. B. No. 3, an act relating to the specific performance of certain contracts, was now taken up, read second time, and,

On motion of Mr. Bradshaw,

Referred to Committee on Judiciary.

On motion of Mr. Bradshaw,

The Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Friday, Jan. 24th, 1868.

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills report Council Bill No. 21, an act defining Judicial Districts and assigning Judges thereto, as correctly enrolled.

W. H. NEWELL,
Chairman.

Mr. Tripp, Chairman of Committee on Corporations, submitted the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred H. B. No. 65, an act to appoint Regents for the Territorial University, report favorably on the same and recommend that the bill pass.

A. G. TRIPP,
Chairman.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Friday, Jan. 24th, 1868.

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following :

H. B. No. 71, an act to levy taxes on Kanakas.

H. J. M. No. 20, relative to an appropriation for an insane asylum.

C. J. M. No. 4, relative to a mail route from Port Angeles, in Clallam County, W. T., to Port Townsend, Jefferson County, W. T.

C. J. M. No. 41, relative to removal of Duncan rock.

C. B. No. 20, an act for the relief of H. E. Griffin, J. M. Murphy and L. Shelton.

Also, that the House has concurred in Council amendments to

H. B. No. 39, an act to provide for the removal of obstructions to navigation on the Chehalis river.

Also, that the House has passed

H. B. No. 55, an act for the relief of the Sheriff of Clark county.

H. B. No. 87, an act to provide for the payment of L. B. Andrews, Chief Clerk of the House of Representatives.

C. B. No. 32, an act relating to injunctions and restraining orders.

C. B. No. 43, an act supplemental to an act entitled an act in relation to the county seat in Kitsap county, passed January, 15th, 1868.

C. B. No. 194, an act entitled an act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto, with the following amendment:

Insert the word "Alaska" after the word "California," in line 4, section 30.

Also, that the Speaker of the House has signed the following

An act to legalize the acts of County Commissioners in certain cases.

An act entitled an act to provide for the payment of interest on Territorial warrants.

An act to repeal an act entitled an act in relation to road taxes in Snohomish county.

An act in relation to road taxes in Snohomish county.

An act entitled an act to prevent the burning of the prairie

or grass lands in the counties of Walla Walla, Stevens, Yakima and Kikitat.

L. B. ANDREWS,
Chief Clerk.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report :

MR. PRESIDENT :

Your committee, to whom was referred C. B. No. 17 an act defining and punishing libel, have had the same under consideration, and beg leave to report the same back and recommend its passage.

C. M. BRADSHAW,
Chairman.

Mr. Vansyckle, Chairman of Special Committee to whom was referred that portion of the Governor's message relating to the late Gen. I. I. Stevens, submitted the following report :

MR. PRESIDENT :

Your Special Committee to whom was referred so much of the Governor's message as refers to the late Gen. Isaac I. Stevens, beg leave to submit the following report :

That the remarks of his Excellency, Gov. Marshall F. Moore, in his tribute to our late Gov. Stevens, has but expressed a sentiment which pervades the minds of the whole people of this Territory, and is largely shared in by all the people on the Pacific slope.

The skilful and energetic engineer, the wise ruler, the great captain, the honorable man, has sealed his devotion to his country with his life's blood, but the great deeds of his life, and his undying memory, is left as our heritage. As the husbandman sows his seed in the earth, in hope and faith of bountiful return, so we, in having laid in the grave the best friend this Territory ever had, hope that his great work for our benefit, which was the whole aim of his life, may be developed, and that his death will be the event which will cause all to appreciate the grandeur of the designs for our good which he had commenced, and to endeavor to bring them all to a successful result.

Although no blazoned escutcheons have been made, nor marble statues erected to his fame, yet his memory will be ever present in our hearts. The corroding hand of time will obliterate the engraved tribute from the metallic shield, and crumble the marble monument to dust, but his memory will be ever green in our midst, for it is engraved on the hearts of a people.

J. M. VANSYCKLE,

Chairman.

On motion of Mr. Wilson,

The report was received, Committee discharged and report ordered printed.

On motion of Mr. Wilson,

Further time was granted to the Special Committee appointed to investigate the report of the Board of Regents of the Territorial University.

Mr. Vansyckle in the chair.

Mr. Struve moved

That the vote whereby H. B. No. 84 an act to dissolve the bonds of matrimony heretofore existing between Gertrude J. White and Leonard White, failed to pass, be reconsidered, and that the bill be made the special order of the day for Monday next.

Division of the question called for, and, on the motion to reconsider the vote, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw, Tripp, Vansyckle and Struve—3.

Those voting in the negative were

Messrs. Barrington, Blinn and Wilson—3.

Motion carried and vote reconsidered.

Mr. Struve moved

That H. B. No. 84, be made the special order of the day for Monday next.

Motion carried.

On motion of Mr. Blinn,

The vote was reconsidered whereby H. B. No. 84 was made the special order of the day for Monday next.

On motion of Mr. Blinn,

It was made the special order of the day for to-morrow.

Mr. Wilson moved

That the Hon. Leander Holmes be invited within the bar of the Council for the purpose of speaking on the bill now under consideration.

Mr. Bradshaw here arose to a point of order, that the bill was not before the Council.

The Chair decided the point of order not well taken.

The motion being put, division was called for, and motion lost.

On motion of Mr. Struve,

An invitation was extended the Hon. Leander Holmes to come within the bar of the Council to-morrow, to speak on this bill now under consideration.

Mr. President in the chair.

Report of Committee on H. B. No. 65, an act to appoint Regents for the Territorial University, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Wilson,

The bill was read third time, now, passed and title agreed to.

Mr. Blinn gave notice, that to-morrow he should move for a re-consideration of the vote whereby H. B. No. 65 was passed.

Report of Committee on C. B. No. 19, an act defining and punishing libel, was read.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Bradshaw moved

The rules be suspended and bill read third time, now.

Mr. Wilson moved

To amend by striking out, in section 3, the words "and was published with good motives and for justifiable ends."

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Vansyckle and Wilson—4

Those voting in the negative were
Messrs. Bradshaw and Mr. President—2.

Motion carried and bill so amended.

On the motion to assign now as the time for the third reading of the bill, the ayes and noes were called with the following result:

Those voting in the affirmative were
Messrs. Binn, Bradshaw and Mr. President—3.

Those voting in the negative were
Messrs. Barrington, Newell, Vansyckle and Wilson—4.
Motion lost.

C. B. No. 39, an act providing for the republication of all general laws, and the distribution of the same, was read second time, and,

On motion of Mr. Vansyckle,
Laid on the table.

C. B. No. 58, an act relating to the sale of spirituous and malt liquors in Walla Walla county, was read second time, and,

On motion of Mr. Wilson,

The rules were suspended, bill read third time, now, passed and title agreed to.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Friday, Jan. 24th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives, to inform the Council that the Speaker has signed the following:

An act defining the several Judicial Districts of the Territory, and assigning the Judges thereto.

An act to provide for the removal of obstructions to navigation on the Chehalis river.

An act to fix the time for holding the sessions of the Legislative Assembly of the Territory of Washington.

L. B. ANDREWS,

Chief Clerk.

The President gave notice that he was about to sign the following :

An act changing the time of holding the sessions of the Territorial Legislature.

An act entitled an act to prevent the burning of prairie and grass lands in the counties of Walla Walla, Stevens, Yakima and Kliekitat.

An act to repeal an act entitled an act in relation to road taxes in Snohomish county.

An act to legalize the acts of County Commissioners in certain cases.

An act in relation to road taxes in Snohomish county.

An act entitled an act to provide for the payment of interest on Territorial warrants.

An act to provide for the removal of obstructions to navigation on the Chehalis river.

An act defining the several Judicial Districts of the Territory, and assigning the Judges thereto.

H. B. No. 71, an act to levy taxes on Kanakas. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On motion of Mr. Tripp,

The rules were suspended and bill referred to Committee on Commerce.

H. B. No. 87, an act to provide for the payment of L. B. Andrews. Read twice, and,

On motion of Mr. Wilson,

The rules were suspended, bill read third time, passed and title agreed to.

H. B. No. 55, an act for the relief of the Sheriff of Clark county, W. T. Read twice, and,

On motion of Mr. Bradshaw,

Referred to Committee on Claims.

H. B. No. 17, an act to regulate interest on money and prevent usury. Read twice.

Mr. Bradshaw moved

To refer to Committee on Commerce.

Motion lost.

Mr. Vansyckle moved

That the bill be indefinitely postponed.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Wilson—2.

Motion carried, and bill indefinitely postponed.

H. B. No. 59, an act to amend an act to protect sheep and wool growers, passed Jan. 31, 1867. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On motion of Mr. Wilson,

The rules were suspended and bill referred to Committee on Territorial Library.

H. B. No. 72, an act extending the time for working on public roads in Cowlitz county. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

H. B. No. 43, an act to amend an act to incorporate the city of Port Townsend, approved Jan. 8, 1867. Read twice, and,

On motion of Mr. Bradshaw,

The rules were suspended, bill read third time, now, passed and title agreed to.

On motion of Mr. Vansyckle,

The Clerk was instructed to report to the House, forthwith, all bills passed by the Council this day, except H. B. No. 65.

H. B. No. 62, an act for the protection of stock raisers. Read twice, and,

On motion of Mr. Newell,

Referred to Committee on Territorial Library.

H. B. No. 50, an act regulating the fees of county officers in Clalm county. Read twice, and,

On motion of Mr. Bradshaw,

The rules were suspended, bill read third time, now, passed and title agreed to.

On motion of Mr. Vansyckle,

The rules were suspended and H. B. No. 64, an act supplemental to an act entitled an act to fix the time for holding the several District Courts in the Territory of Washington, was taken from the table.

Mr. Vansyckle moved

To amend by adding to section 3, after the word "April," the words "and first Monday in November;" also, section 4, by inserting after the word "October," the words "and second Monday of May."

Motion carried and bill so amended.

On motion of Mr. Vansyckle,

The rules were suspended, and bill as amended read third time, passed and title agreed to.

C. B. No. 19 $\frac{1}{2}$, an act relative to pilots, was now taken up.

Mr. Vansyckle moved

The amendments, as made by the House, be concurred in by the Council.

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Blinn—1.

Motion carried, and the Clerk was instructed to report forthwith to the House such concurrence.

Mr. Newell moved to adjourn.

Motion lost.

H. J. M. No. 19, praying Congress to appropriate nett proceeds of internal revenue collected in Washington Territory to roads and highways. Read twice, and,

On motion of Mr. Vansyckle,
Referred to Committee on Memorials.

Mr. Vansyckle in the chair.

Mr. Tripp moved to adjourn.

Motion lost.

H. J. M. No. 20, relative to an appropriation for an insane asylum. Read twice, and,

On motion of Mr. Struve,

The rules were suspended and the memorial read third time and passed.

On motion of Mr. Struve,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Saturday, Jan. 25th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 25th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

Substitute to H. B. No. 22, an act concerning marks and brands in Klikitat, Yakima and Walla Walla counties.

Substitute for H. B. No. 27, an act to amend an act entitled an act to incorporate the city of Walla Walla.

H. B. No. 51, an act for the preservation of game.

H. B. No. 73, an act relative to estrays,

H. J. M. No. 18, relative to the settlement of the Indian war claims of Washington Territory.

L. B. ANDREWS,

Chief Clerk.

Mr. Vansyckle, Chairman of Committee on Memorials, submitted the following report:

MR. PRESIDENT:

Your Committee on Memorials, to whom was referred H. J. M. No. 19, have had the same under consideration, and beg leave to report that they find that a similar memorial was introduced into the House and passed to a second reading, when the memorial under consideration was introduced and passed under suspension of the rules, which is considered by your Committee discourteous to the mover of the original memorial. Your Committee therefore recommend the rejection of H. J. M. No. 19, and the substitution of H. J. M. No. 16, and recommend that it pass.

J. M. VANSYCKLE,

Chairman.

Mr. Newell, Chairman of Committee on Territorial Library, submitted the following reports:

MR. PRESIDENT:

Your Committee on Territorial Library, to whom was referred H. B. No. 62, an act for the protection of stock raisers in Walla Walla, Klikitat and Yakima counties, have had the same under consideration, and recommend that the bill pass.

W. H. NEWELL,

Chairman.

MR. PRESIDENT:

The undersigned, member of the Committee on Ways and Means, to whom was referred C. B. No. 49, dissents from the report of the majority, and recommends the passage of the

bill with the amendment, that the tax for Territorial purposes shall not exceed three mills on the dollar.

W. H. NEWELL,

MR. PRESIDENT:

Your Committee to whom was referred H. B. No. 59, an act to amend an act entitled an act to protect sheep and wool growers in the counties of Pierce, Lewis, Snohomish, Thurston, Clark, Stevens and Jefferson, have had the same under consideration, and beg leave to report it back and recommend its passage.

W. H. NEWELL,

Chairman.

Mr. Barrington, Chairman of Committee on Commerce, submitted the following report:

MR. PRESIDENT:

Your Committee on Commerce, to whom was referred H. B. No. 71, an act to levy taxes on Kanakas, have had the same under consideration, and beg leave to report that, in the opinion of your Committee, a tax of two dollars per year would be more just and practicable, and would therefore recommend that the bill be so amended as to impose such tax and no more.

E. BARRINGTON,

Chairman.

Mr. Bradshaw, Chairman of Committee on Judiciary, submitted the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was submitted C. B. No. 3, an act relating to the specific performance of certain contracts, have had the same under consideration, and find that the act is in conflict with the laws of Congress, and recommend its indefinite postponement.

C. M. BRADSHAW,

Chairman.

Mr. Bradshaw moved

That the Committee on Elections be instructed to take no testimony in relation to the contest between McLane and Long-

mire to a seat in the Council, except when both parties to the contest have been afforded an opportunity by the Committee to be present and cross-examine the witnesses, and that the records of the proceedings of the Committee show that fact.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

H. B. No. 84, an act to divorce Gertrude and Leonard White, having been made the special order of the day, was now taken up, and, on invitation, Hon. Leander Holmes came within the bar of the Council and spoke on the merits of the bill under consideration.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 25th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. B. No. 68, an act appropriating money to repair a certain road and build the necessary bridges upon the same.

C. B. No. 30, an act submitting to the voters of Washington Territory, at the next general election, a proposition for calling a Convention to frame a State Constitution, and to apply for admission of the State of Washington into the Union.

C. J. M. No. 5, memorial asking for increased compensation for surveying lands west of the Cascade Mountains in Washington Territory.

C. B. No. 41, an act appropriating the sum of \$150, &c.

C. B. No. 57, an act to provide for the payment of Richard Lane, Chief Clerk of the Council.

L. B. ANDREWS,

Chief Clerk.

Mr. Bradshaw moved

That C. B. No. 84 be laid upon the table.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Newell, Vansyckle and Mr. President—5.

Those voting in the negative were

Messrs. Barrington, Tripp and Wilson—3.

Motion carried.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 25th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of

C. J. M. No. 1, relative to the annexation of the northern part of Idaho to Washington Territory.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Bradshaw,

C. B. No. 53 was now taken up.

Mr. Vansyckle moved

The rules be suspended and bill read third time, now.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Binn, Bradshaw, Newell, Tripp, Vansyckle and Mr. President—7.

Those voting in the negative were

Mr. Wilson—1.

Motion carried and bill read third time, now, and passed, and,

On motion of Mr. Bradshaw,

The title, "an act to create the office of Inspector of Fish," was stricken out, and the title, "an act to amend an act to restrain

and license dance and hurdy-gurdy houses," was inserted in lieu thereof and title agreed to.

Mr. Wilson moved

To take from the table H. B. No. 84.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Newell and Wilson—3.

Those voting in the negative were

Messrs. Barrington, Bradshaw, Tripp, Vansyckle and Mr. President—5.

Motion lost.

Report of Committee on C. B. No. 62, an act for the protection of stock raisers, was read.

The report was received and the Committee discharged from further consideration of the subject.

Bill passed and title agreed to.

Report of Committee on H. B. No. 59, an act relative to sheep and wool growers, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

Report of Committee on H. J. M. No. 19 was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

H. J. M. No. 19 was indefinitely postponed.

On motion of Mr. Vansyckle,

C. S. for H. J. M. No. 19, relative to appropriating money for public roads, was now taken up, read third time and passed.

On motion of Mr. Vansyckle,

H. B. No. 45, an act to amend an act entitled an act providing for the formation of corporations for certain purposes, was now taken up and read third time.

On the final passage of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Newell, Tripp, Vansyckle and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Blinn, Bradshaw and Wilson—4.

Motion lost.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills report the following bills as correctly transcribed :

C. B. No. 32, an act relating to injunctions and restraining orders.

C. B. No. 40, an act for the relief of H. E. Griffin, J. M. Murphy and L. Shelton.

C. B. No. 43, an act supplementary to an act entitled an act in relation to the county seat in Kitsap county.

W. H. NEWELL,

Chairman.

On motion of Mr. Wilson,

The rules were suspended and leave granted to the gentleman from Walla Walla to offer a resolution, after which Mr. Vansyckle submitted the following resolution :

Resolved, That the election and road laws of our Territory be printed in pamphlet form for the use of the several precincts of this Territory.

The President gave notice that he was about to sign the following :

An act relating to injunctions and restraining orders.

An act for the relief of H. E. Griffin, J. M. Murphy and Levi Shelton.

An act supplemental to an act entitled an act in relation to the county seat in Kitsap county, passed Jan. 15, 1868.

Report of Committee on C. B. No. 3, an act relating to the specific performance of certain contracts, was read—

The report was received and the Comité discharged from further consideration of the subject.

Mr. Vansyckle moved

The report be adopted and the bill be indefinitely postponed.

On this motion the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Bradshaw and Vansyckle—2.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell, Tripp, Wilson and Mr. President—6.

Motion lost.

On motion of Mr. Wilson,

The rules were suspended, bill read third time, now, and

On the final passage of this bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Bradshaw and Vansyckle—2.

Bill passed and title agreed to.

On motion of Mr. Wilson,

H. B. No. 38, an act in relation to elections and the mode of supplying vacancies, was made the special order of the day for Monday next.

Mr. Bradshaw moved to adjourn.

Motion lost.

H. B. No. 51, an act for the preservation of game. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Education.

H. B. No. 68, an act appropriating money to repair a certain road and rebuild the bridges on the same. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Counties.

Substitute for H. B. No. 22, an act relating to marks and brands. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Territorial Library.

H. B. No. 34, an act in relation to roads lying in the Territory of Washington. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Roads and Highways.

Substitute for H. B. No. 27, an act to incorporate the city of Walla Walla. Read twice, and,

On motion of Mr. Wilson,

Referred to the Walla Walla delegation.

H. B. No. 73, an act relative to estrays. Read twice, and,

On motion of Mr. Wilson,

Referred to Committee on Counties.

H. J. M. No. 18, relative to the settlement of the Indian war claims of Washington Territory. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, memorial read third time, now, and passed.

Mr. Newell in the chair.

On motion of Mr. Vansyckle,

H. B. No. 88, an act to provide for making certain indexes in Walla Walla county. Read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Territorial Library.

The Council here took a recess of ten minutes.

Council came to order.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Blinn, Newell, Vansyckle and Wilson.

Absent—Messrs. Bradshaw and Tripp.

C. B. No. 46, an act to revise and digest the statutes of Washington Territory, was now taken up and read for information.

Mr. Newell moved

To amend by striking out of said bill all that relates to Judicial Districts.

Motion carried and bill so amended.

Mr. Newell moved,

As a further amendment, that section 5 of said bill be stricken out.

Motion carried and bill so amended.

Bill as amended passed and title agreed to.

On motion of Mr. Vansyckle,

The Clerk was instructed to inform the House, forthwith, of all bills passed by the Council this day.

Mr. Newell in the chair.

On motion of Mr. Struve,

C. B. No. 49, an act to provide for the assessing and collecting of Territorial and County revenue, was now taken up.

On motion of Mr. Struve,

The rules were suspended, bill read third time, passed and title agreed to.

The following message was received from the House of Representatives by their clerk :

HOUSE OF REPRESENTATIVES,
Saturday, Jan. 25th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. B. No. 34, an act in relation to roads and highways in the Territory of Washington, and defining the duties of road supervisors.

L. B. ANDREWS,
Chief Clerk.

On motion of Mr. Vansyckle,

The Council adjourned until Monday morning at 10 o'clock.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Monday, Jan. 27th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of Saturday read and approved.

The following messages were here received from his Excellency the Governor:

TERRITORY OF WASHINGTON,
 EXECUTIVE OFFICE,
Olympia, Jan. 25th, 1868. }

MR. PRESIDENT:

I have the honor to inform, through you, the Hon. Council, that I have approved the following bills:

An act to amend an act entitled an act to regulate marriages.

An act in relation to the county seat of Kitsap county.

An act exempting certain firemen from jury duty and from paying certain taxes.

An act to provide for the payment of Wm. R. Downey for labor and supplies performed and furnished in repairing the military road leading from Fort Steilacoom to Fort Walla Walla through the Natchess pass.

I am, sir, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

EXECUTIVE OFFICE, OLYMPIA, }
January 25th, 1868. }

*To the Honorable President of the Legislative Council of
 Washington Territory.*

SIR:—I herewith return to your honorable body "An act

defining the several Judicial Districts of this Territory, and assigning the Judges thereto."

To this bill, in its present form, I have reluctantly given my approval.

By section first of the act, the counties of Thurston, Lewis, Mason and Chehalis are included in the Second Judicial District.

Section sixth makes it the duty of the Judge assigned to the Third District to hold the terms of court at Olympia, in and for the counties of Thurston, Lewis, Mason and Chehalis.

I am clearly of the opinion that, when the Districts have been defined and the Judges respectively assigned to them, the powers of the Legislature, in this regard, are at an end.

The organic act provides that each of the three Justices shall be assigned to a District, and, by necessary implication, if not in express terms, that he shall, except in extraordinary cases, hold the terms of court in and perform the judicial functions of his own District. My opinion is, therefore, that this section is contrary to the spirit if not the letter of the organic law, and consequently void; that the Legislative Assembly has in this particular transcended its powers; that a Judge assigned to one District cannot, by legislative action, be compelled to hold the terms of the District Court, ordinarily and regularly, in a District other than the one to which he has been assigned; and again, that a Judge cannot be made to yield the performance of his official duties, in whole or part, to the Judge of another District.

Although I regard the sixth section of the bill as a simple nullity, and the act as complete without, I can, nevertheless, readily conceive that it might result in confusion, conflict between Judges, and even delay in holding the terms of Court at Olympia.

It is certainly far from desirable that such a provision should stand upon the statute.

This point may possibly be considered as belonging more properly to the Judiciary than the Executive; still the error seems to me to be so palpable that I cannot give it my sanction.

Were the session not so nearly at an end, I would send the bill back to be modified. As it is, I respectfully recommend that a supplementary act be passed repealing this objectionable section.

I am, sir, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

Mr. Wilson, Chairman of Committee on Counties, submitted the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred H. B. No. 57, have had the same under consideration, and beg leave to report the same back and recommend its passage with the following amendment:

After the word "dollars," in line seven, section eight; insert the words "imprisoned for any time not exceeding twenty days nor less than two."

E. A. WILSON,

Chairman.

Mr. Barrington, Chairman of Committee on Claims, submitted the following report:

MR. PRESIDENT:

Your Committee on Claims to whom was referred C. B. No. 55, an act for the relief of the Sheriff of Clark county, W. T.; have had the same under consideration, and beg leave to report the same back and recommend its passage.

E. BARRINGTON,

Chairman.

Mr. Vansyckle submitted the following reports:

MR. PRESIDENT:

Your Committee to whom was referred H. B. No. 34, an act relative to roads, have had the same under consideration, and beg leave to report the same back to the Council and recommend its passage.

J. M. VANSYCKLE,

Chairman.

MR. PRESIDENT:

Your committee, to whom was referred C. B. No. 53, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

J. M. VANSYCKLE,

Chairman.

Mr. Newell, Chairman of the Committee on Enrolled Bills, submitted the following reports:

MR. PRESIDENT:

Your Committee on Enrolled Bills beg leave to report that they have examined and find correctly enrolled the following:

C. J. M. No. 4½, relative to the removal of Duncan Rock.

C. J. M. No. 1, relative to the annexation of the Northern part of Idaho to Washington Territory.

C. J. M. No. 5, asking for increased compensation for surveying lands west of the Cascade Mountains in Washington Territory.

W. H. NEWELL,

Chairman.

MR. PRESIDENT:

Your Committee on Enrolled Bills report the following Council Bills as correctly transcribed:

C. B. No. 57, an act to provide for the payment of Richard Lane, Chief Clerk of the Council.

C. B. No. 41, an act appropriating the sum of \$150 toward defraying the expense of printing Territorial commissions, &c.

O. M. No. 4, relative to mail route from Port Angeles to Port Townsend, W. T.

C. B. No. 30, an act submitting to the voters of Washington Territory, at the next general election, a proposition for calling a Convention to frame a State Constitution and to apply for admission of the State of Washington into the Union.

C. B. No. 19½, an act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

C. J. R. No. 5, relative to the introduction of new business.

W. H. NEWELL,

Chairman.

Mr. Tripp, of the Clark county delegation, submitted the following report :

MR. PRESIDENT :

The Clark county delegation, to whom was referred H. B. No. 41, an act for the protection of sheep and other domestic animals, beg leave to report the same back with a recommendation for its passage.

A. G. TRIPP,
Chairman.

Mr. Blinn, Chairman of Committee on Commerce, submitted the following report :

MR. PRESIDENT :

Your Committee on Commerce, to whom was referred C. B. No. 61, have had the same under consideration, and refer the same back without amendment, and recommend that it pass.

MARSHALL BLINN,
Chairman.

Mr. Newell, Chairman of Special Committee appointed to examine the report of the Board of Regents of the Territorial University, submitted the following report :

MR. PRESIDENT :

Your Special Committee, to whom was referred the report of the Board of University Regents, have devoted all the time at their disposal to a thorough examination of the books and papers and documents at all likely to throw light upon the management of the University. They have carefully examined the day book kept by Mr. Bagley, which purports to show all his transactions connected with the University ; but owing to the loose and incomplete manner in which the book was kept, it fails to disclose any satisfactory state of facts.

Commencing with March, 1861, and coming down to November, 1862, there seems to have been no record kept of the transactions of the University Commissioners ; everything was left to Bagley's discretion, and accordingly we find him awarding contracts, paying claims, and generally transacting business on account of the University, without being held to any respon-

sibility or required to report to the Board of Commissioners. Whatever may have been the intention, this loose manner of transacting business opened wide the door to the commission of fraud, and stamps all concerned in the management of the University as unworthy of the high trust committed to their keeping.

In looking over the reports of committees appointed by previous Legislatures, we are astonished to find that the loose and unsatisfactory manner of conducting the business of the University escaped notice. Indeed, these committees not only failed to find fault, but in one or two instances went out of their way to commend the management as characterized by prudence and economy.

Had the Legislative committees of 1863 and 1864 made a thorough investigation and reported the facts, measures might have been taken at that time that possibly would have saved a great portion of the University funds; but instead of disclosing the true state of facts, the committees were content to gloss over and commend the grossest mismanagement. The result of all this is now before us; the munificent donation made by Congress to the Territory for educational purposes is dissipated, and all that remains is the University building, worth possibly \$15,000, and a lot of notes and book accounts—some of them good and others worthless.

It is to be regretted that the law fails to provide any adequate penalty for the wrongs and mismanagement complained of. Even if a defalcation could be distinctly traced to Bagley or his associates, we doubt whether any sufficient punishment would follow.

The bond which Bagley gave at the date of his first connection with the University has mysteriously disappeared from the Secretary's office; and hence, even if a judgment were obtained against him, it is doubtful whether anything could be recovered.

As already stated, owing to the loose and incomplete manner in which the books were kept, it is impossible to strike any

thing like a balance sheet, or even determine the amount, if any, of Bagley's indebtedness.

The Board of Regents, in their report, foot up a balance of \$13,919 34 due the University from Bagley. From the examination your committee have given the books and papers, they are unable to determine as to the correctness of this statement. They neither deny nor affirm this indebtedness, but leave the question to be settled by a more thorough examination than they have been able to give the subject.

The law constituting the Board of Regents clothes them with ample power to bring suit for the recovery of all sums that may be found due the University fund, and if the Regents deem that they have sufficient evidence to sustain the claim, we think suit should be brought for the recovery of the whole amount.

Having thus freely expressed our opinion of the manner in which Bagley conducted the affairs of the University, we deem it proper to add that his associates on the Board are equally deserving of censure for having tolerated a system that invited the commission of fraud. No prudent business man would thus manage his private affairs, much less a great public trust upon the proper management of which depended the means for the education of the youth of the Territory.

It is now, however, too late to remedy the errors of the past. All that remains for us is to gather up what is left of the wreck, and ascertain what means may be still available for the purpose of carrying on the University.

A number of notes and book accounts remain unsettled. These should be collected without delay, and the amount thus realized placed to the credit of the University fund. These accounts, however, will be entirely inadequate to carry on the University on a scale commensurate with the educational wants of the Territory, and hence it becomes necessary to ask Congress for still further aid. We believe that if our present Delegate, Hon. Alvan Flanders, will make proper representations, an additional grant of land can readily be obtained, and with it, the means to maintain the University in a career of usefulness.

The charge that in certain instances the Commissioners sold land for less than the price fixed by law, we have not deemed necessary to investigate. Bagley, in his sworn testimony, admits having sold land to the Puget Mill Company for \$1 25 per acre, when the price established by law was \$1 50. The necessities of the case possibly justified this departure from the strict letter of the law.

In the future, it is to be hoped that the Regents will see that a rigid system of accountability is adopted. Claims against the University should not be paid until audited by the Board, and the practice of delegating discretionary powers to officers should be abandoned.

A new set of books should be at once obtained, and the accounts of the University kept in accordance with a regular system of book-keeping. The books should be posted at the end of each month, and a balance sheet struck, showing the exact financial condition of the institution.

In the case of disbursements, vouchers should invariably be retained, and, in the absence of these, the accounts disallowed. Had some such system as this obtained at the inauguration of the University, the funds would not have been squandered, and, instead of being bankrupt, there would have been abundant means to furnish educational facilities for the youth of the Territory.

As near as we have been able to glean from the books, there is now due the University,

On notes, the sum of.....	\$ 7,274 54
On book accounts.....	2,561 90
On deeds.....	5,044 00
Total.....	<u>\$14,880 44</u>

There is a large amount of accrued interest, and there is also quite an amount of bad and doubtful debts. Your committee are of opinion that the original amounts of bills and accounts receivable are all that can reasonably be considered as available.

In conclusion, your committee recommend the adoption of the following resolution :

Resolved by the Council, the House concurring, That the Regents of the University be instructed to at once collect the outstanding accounts due the University, and to that end are fully authorized to use the funds at their disposal.

Respectfully submitted,

W. H. NEWELL,

Chairman.

Mr. Wilson moved

That a Special Committee be appointed to whom should be referred the message received from his Excellency the Governor this morning.

Motion carried, and Messrs. Newell, Tripp and Barrington were appointed as such Committee.

On motion of Mr. Bradshaw,

C. B. No. 25, an act to divorce Samantha and Samuel Woodruff, was taken from the table and read third time.

On the final passage of the bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell and Wilson—4.

Motion lost.

On motion of Mr. Blinn,

C. B. No. 84, an act to divorce Gertrude and Leonard White, was taken from the table and read third time.

On the final passage of this bill, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell and Wilson—4.

Motion lost.

On motion of Mr. Bradshaw,

C. J. R. No. 1, relative to the election of Territorial officers, was taken up.

On motion of Mr. Vansyckle,

The consideration of the resolution was postponed until afternoon.

Report of Committee on C. B. No. 55 was read.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

None.

On motion of Mr. Vansyckle,

The title was stricken out and the following title inserted in lieu thereof: An act for the relief of Edward Barrington.

C. B. No. 38, an act relative to elections and the mode of filling vacancies, having been made the special order of the day, was now taken up and read for the information of the Council.

Mr. Bradshaw moved

An amendment to the bill.

Mr. Wilson moved

To lay the amendment on the table.

Motion lost.

On the motion to amend, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Tripp and Mr. President—5.

Those voting in the negative were

Messrs. Newell, Vansyckle and Wilson—3.

Motion carried and bill so amended.

Mr. Blinn moved

To further amend as follows: In section one, line three, of printed copy, add after the word "ballot," the words "which

shall have been challenged;" and in the fourth line of said section, after the word elector, add the words "Provided the inspector shall have good reason to suspect the legality of the vote so challenged."

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Tripp and Wilson—4.

Those voting in the negative were

Messrs. Bradshaw, Newell, Vansyckle and Mr. President—4.

Motion lost.

Mr. Bradshaw moved

The bill as amended be read third time, now.

Motion lost.

On motion of Mr. Wilson,

The bill was laid upon the table.

Report of Committee on C. B. No. 61, an act supplemental to an act in relation to pilots, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Blinn,

The rules were suspended, bill read third time, now, passed and title agreed to.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Monday, Jan. 27th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. S. for H. B. No. 58, an act providing a fund for extinguishing the indebtedness of Clark county, and to provide for the payment of current expenses.

C. J. M. No. 6, relative to relief for Isaac E. Higgins.

C. B. No. 50, an act to create and organize the county of Quillehuyte.

C. B. No. 35, an act to amend an act entitled an act to regulate the practice in civil actions in the District Court, with the following amendment: Amend by inserting the words "and proceedings" after the word "practice," in title.

Also, that the House has indefinitely postponed

H. B. No. 89, an act to change the county lines of Thurston county.

C. B. No. 31, an act exempting the property of counties from sale upon execution.

Also, that C. B. No. 45, an act to pay W. B. Grinell for services as clerk of Committee on Elections, failed to pass the House.

Also, that Substitute for C. B. No. 51, an act to amend an act relative to crimes and punishments and proceedings in criminal cases, was indefinitely postponed.

Also, the passage in the House of

C. B. No. 24, an act in relation to common schools in Washington Territory, with the following amendment: Insert the word "resident" between "and" and "property," in line eight, section one.

H. B. No. 63, an act to regulate the practice of medicine and surgery.

H. B. No. 67, an act relating to writs of error and appeals to the Supreme Court in certain cases.

H. J. R. No. 10, relative to University fund.

L. B. ANDREWS,

Chief Clerk.

Report of the Committee on H. B. No. 24, relative to roads and highways, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

Mr. Bradshaw, on leave, moved

To amend by exempting the counties of Clallam and Mason from the provisions of the act.

Motion carried, and bill so amended, passed and title agreed to.

The President gave notice that he was about to sign the following :

A memorial relative to an appropriation for an insane asylum.

Memorial relative to an appropriation for building a military road from Fort Steilacoom, Puget Sound, to Monticello, on the Cowlitz river.

Joint resolution relative to incidental printing.

An act to appoint Regents for the Territorial University.

An act to amend an act entitled an act to protect sheep and wool growers of the counties of Pierce, Lewis, Snohomish, Thurston, Clark, Stevens and Jefferson, approved Jan. 3d, 1867.

An act to regulate the fees of county officers of Olalm county.

An act to amend an act entitled an act to incorporate the city of Port Townsend, Jefferson county.

An act to provide for the payment of L. B. Andrews, chief clerk of the House of Representatives.

An act extending the time for working on the public roads in Cowlitz county.

An act for the relief of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and John M. Murphy.

Memorial relative to the settlement of the Indian war claims of Washington Territory.

Report of Committee on C. B. No. 5, an act for the relief of the Sheriff of Clark county, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

Report of Committee on H. B. No. 41, an act for the protection of sheep and other domestic animals, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

Report of Committee on H. B. No. 51, an act for the preservation of game, was read.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Wilson moved

To amend as recommended by Committee.

Motion lost.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

On motion of Mr. Barrington,

Council adjourned until 2 o'clock, P. M.

COUNCIL CHAMBER, 2 O'CLOCK, P. M.

Council came to order.

Mr. President in the chair.

Roll called.

Present—Messrs. Bradshaw, Barrington, Blinn, Newell, Tripp, Vansyckle and Wilson.

On motion of Mr. Vansyckle,

The Clerk was instructed to inform the House, forthwith, of all bills passed by the Council this day.

On motion of Mr. Barrington,

The vote was reconsidered whereby C. B. No. 25 failed to pass.

On motion of Mr. Wilson,

C. B. No. 25 was laid on the table.

On motion of Mr. Barrington,

The vote was reconsidered whereby H. B. No. 84 failed to pass, and,

On motion of Mr. Wilson,

H. B. No. 84 was laid on the table.

Report of Committee on H. B. No. 73, an act relative to estrays, was read.

The report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Vansyckle,

The amendments, as recommended by the Committee, were adopted, and,

On motion of Mr. Vansyckle,

Referred to Committee on Territorial Library.

Report of Committee on H. B. No. 68, an act appropriating money to repair a certain road, was read, and,

On motion of Mr. Vansyckle,

Report and bill laid on the table.

On motion of Mr. Vansyckle,

C. B. No. 18, an act relative to the organization of a pilot commission on the Columbia river, was taken from the table and read for information.

Mr. Wilson moved

To amend by striking out section second.

Motion carried and bill so amended.

On motion of Mr. Vansyckle,

The rules were suspended, and bill as amended read third time, passed and title agreed to.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Monday, Jan. 27th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

Substitute for H. B. No. 74, an act relative to the fees of county treasurers.

H. B. No. 80, an act to locate a Territorial road from Rockland, in Klikitat county, to opposite Wallula, in Washington Territory.

H. B. No. 81, an act to locate a Territorial road from Rockland, in Klikitat county, to the Yakima, in Yakima county.

C. B. No. 54, an act requiring Judges in certain cases to reduce to writing instructions and charges to juries.

C. B. No. 40, an act to provide for the removal of obstructions in Cowlitz river.

C. B. No. 6, an act for the relief of the Sisters of Charity of the House of Providence.

Also, that the House has indefinitely postponed

H. J. R. No. 11, relative to the employment of Enrolling Clerk.

H. B. No. 76, an act entitled an act to amend an act entitled an act to provide for the assessing and collecting of Territorial and county revenue.

Also, that the House hereby returns to the Council

C. B. No. 45, an act to pay W. B. Grinnell for services as Clerk of Committee on Elections, and that the House has failed to pass the bill.

Also, that the House has passed

H. J. R. No. 6, relative to the election of Territorial officers.

L. B. ANDREWS,

Chief Clerk.

C. B. No. 35, an act to amend an act entitled an act to regulate the practice in civil actions in the District Court, was taken up, and,

On motion of Mr. Vansyckle,

The Council concurred in the amendment proposed by the House.

Substitute for H. B. No. 58, an act to provide a fund for extinguishing the indebtedness of Clark county. Read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

H. J. R. No. 6, relative to the election of Territorial officers.

Bill read first time.

Mr. Blinn moved

The rules be suspended and bill read second time, now, by title.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

H. J. R. No. 10, relative to University fund, was read twice, and,

On motion of Mr. Newell,

Referred to Committee on Territorial Library.

H. B. No. 67, an act relating to writs of error and appeals to Supreme Court in certain cases, was read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

H. B. No. 63, an act to regulate the practice of medicine and surgery, was read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Memorials.

Mr. Newell in the chair.

On motion of Mr. Struve,

C. B. No. 19, an act defining and punishing libel, was now taken up and read third time.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw and Struve—2.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle and Wilson—6.

Motion lost.

On motion of Mr. Wilson,

The vote whereby C. B. No. 19 failed to pass, was reconsidered and the motion laid on the table.

On motion of Mr. Vansyckle,

H. B. No. 38, an act relative to elections, was now taken up and read for information.

Mr. Wilson moved

To amend by striking out section two.

Mr. Bradshaw arose to a point of order, that the amendment could only be made by 'a' reconsideration of the vote whereby the amendments were adopted this day.

The chair decided the point of order not well taken, and entertained the motion.

On this motion, division was called for, motion carried and bill so amended.

On motion of Mr. Wilson,

The rules were suspended, bill as amended read third time, now, passed and title agreed to.

On motion of Mr. Vansyckle,

H. B. No. 84, an act to divorce Gertrude and Leonard White, was taken from the table.

Mr. Wilson moved to adjourn.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Newell and Wilson—3.

Those voting in the negative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Motion lost.

Mr. Wilson moved

To take a recess of 15 minutes.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Newell and Wilson—3.

Those voting in the negative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Motion lost.

Mr. Wilson moved

To reconsider the vote whereby the Council refused to adjourn.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Newell and Wilson—3.

Those voting in the negative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Motion lost.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Monday, Jan. 27th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the Speaker has signed the following:

An act relating to injunctions and restraining orders.

An act supplementary to an act entitled an act in relation to the county seat in Kitsap county, passed January 15th, 1868.

An act for the relief of H. E. Griffin, J. M. Murphy and Levi Shelton.

An act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

An act submitting to the voters of Washington Territory, at the next general election, a proposition for calling a convention to frame a State Constitution, and to apply for the admission of the State of Washington into the Union.

An act appropriating the sum of \$150 towards defraying the expenses of printing Territorial commissions, &c.

An act to provide for the payment of Richard Lane, Chief Clerk of the Council.

Memorial relative to mail route from Port Angeles to Port Townsend, W. T.

Joint resolution relative to the introduction of new business.

Memorial relative to the annexation of the Northern part of Idaho to Washington Territory.

Memorial relative to the removal of Duncan rock.

Memorial asking for increased compensation for surveying land west of the Cascade Mountains in Washington Territory.

H. J. R. No. 7, relative to incidental printing of the Legislative Assembly.

H. J. M. relative to an appropriation for building a military road from Fort Steilacoom, on Puget Sound, to Monticello, on the Columbia river.

H. B. No. 61, an act for the relief of R. H. Hewitt, Chas. Prosch, Al. Pettygrove and John M. Murphy.

H. B. No. 72, an act entitled an act extending the time for working on the public roads in Cowlitz county.

H. B. No. 87, an act to provide for the payment of L. B. Andrews, Chief Clerk of the House of Representatives.

H. B. No. 43, an act to amend an act entitled an act to incorporate the city of Port Townsend, Jefferson county, W. T.

H. J. M. No. 20, relative to an appropriation for an insane asylum.

H. J. M. No. 18, relative to the settlement of the Indian war claims of Washington Territory.

H. B. No. 50, an act to regulate the fees of County officers in Clallam county.

H. B. No. 59, an act to amend an act entitled an act to protect sheep and wool growers in the counties of Pierce, Lewis, Snohomish, Thurston, Clark, Stevens and Jefferson, approved Jan. 31, 1867.

H. B. No. 65, an act to appoint Regents for the Territorial University.

H. B. No. 71, an act to levy taxes on Kanakas.

L. B. ANDREWS,
Chief Clerk.

Mr. President in the chair.

On motion of Mr. Bradshaw,
A call of the House was made.

Present—Messrs. Bradshaw, Tripp, Vansyckle and Mr. President.

No quorum being present,

On motion of Mr. Bradshaw,

The Sergeant-at-Arms was instructed to procure the presence of absentees. A quorum coming within the bar of the Council,

On motion of Mr. Bradshaw,

A further call of the House was dispensed with.

The question recurring on the final passage of H. B. No. 84, the bill was passed and title agreed to.

On motion of Mr. Wilson,

C. B. No. 25, an act to divorce Samantha and Samuel N. Woodruff, was now taken from the table and read for information.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw, Tripp, Vansyckle and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Blinn and Newell—3.

Bill passed and title agreed to.

Mr. Wilson gave notice that he should to-morrow make a motion to reconsider the vote whereby H. B. No. 84 was passed.

H. B. No. 81, an act to locate a Territorial road from Rockland to Yakima, was read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

On motion of Mr. Wilson,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Tuesday, Jan. 28th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Newell, Chairman of Committee on Territorial Library, submitted the following report:

MR. PRESIDENT:

Your Committee on Territorial Library, to whom was referred Substitute for H. B. No. 22, concerning marks and brands in Klikitat, Yakima and Walla Walla counties, have had the same under consideration, and beg leave to report the same back and recommend its passage.

W. H. NEWELL,
Chairman.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Wilson, Chairman of Committee on Counties, submitted the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred H. B. No. 73, have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage.

E. A. WILSON,
Chairman.

The undersigned concur in the amendments as suggested by the Committee on Counties, and, as thus amended, recommend the passage of the bill.

J. M. VANSYCKLE,
 W. H. NEWELL,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Newell, Chairman of Special Committee, submitted the following reports :

MR. PRESIDENT :

The undersigned, to whom was referred Substitute for H. B. No. 27, an act to amend an act entitled an act to incorporate the city of Walla Walla, have had the same under consideration, and recommend the accompanying amendment. Thus amended, they recommend that the bill pass.

W. H. NEWELL.

The report was received and Committee discharged from further consideration of the subject.

MR. PRESIDENT :

Your Committee to whom was referred H. J. R. No. 14, in relation to University fund, have had the same under consideration, and recommend the adoption of the resolution.

W. H. NEWELL,
Chairman.

The report was received and the Committee discharged from further consideration of the subject.

MR. PRESIDENT :

Your Special Committee, to whom was referred the communication of his Excellency Gov. Moore, in which he sets forth his objections to the 6th section of an act defining the several Judicial Districts of this Territory and assigning the Judges thereto, have had the same under consideration, and, on reference to the organic act, found the objections well founded. To the end that the difficulty and confusion apprehended may be obviated, your Committee recommend the repeal of the sixth section of said act, and have prepared a bill to that effect, which they commend to the favorable consideration of the Council.

All which is respectfully submitted.

W. H. NEWELL,
Chairman.

On motion of Mr. Wilson,

The rules were suspended and the bill recommended by the Committee was read now. No objection being made, the bill was read second time, and,

On motion of Mr. Vansyckle,

The rules were further suspended, bill read third time, now, passed and title agreed to.

On motion of Mr. Wilson,

The Clerk was instructed to inform the House, forthwith, of all bills passed by the Council this day.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES, }
Tuesday, Jan. 28th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

C. B. No. 46, an act to revise and digest the statute laws of Washington Territory, with the following amendments:

Amend the fourth line, section one, by striking out the words "who shall be attorneys of record." Amend the title as follows: "An act to provide for a digest and revision of the statute laws of Washington Territory."

C. B. No. 55, an act for the relief of Edward Barrington.

C. B. No. 44, an act relative to the collection of county revenue.

C. B. No. 53, an act to amend an act to restrain and license dance and hurdy-gurdy houses, passed Jan. 24, 1867.

C. B. No. 26, an act to incorporate the city of Vancouver.

L. B. ANDREWS,

Chief Clerk.

H. J. R. No. 6, relative to the election of Territorial officers, was read second time.

Mr. Newell moved

The indefinite postponement of the resolution.

Mr. Bradshaw moved

That a call of the House be ordered.

Motion lost.

Mr. Vansyckle moved

That the rules be suspended and resolution read third time,
now.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Motion lost.

Mr. Newell moved

That the consideration of H. J. R. No. 6 be postponed
until the first Monday in February.

Mr. Bradshaw moved

That a call of the House be ordered.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw, Blinn and Mr. President—3.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

Mr. Newell called for the previous question, and on the question, shall the main question be put, the ayes and noes were demanded with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Bradshaw, Blinn and Mr. President—3.

Motion carried.

On the original question, shall the consideration of the resolution be postponed until the first Monday in February, the ayes and noes were demanded with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Bradshaw, Blinn and Mr. President—3.

Motion carried and resolution postponed.

On motion of Mr. Newell,

The vote whereby H. J. R. No. 6 was postponed until the first Monday in February was reconsidered, and the motion laid on the table.

Substitute for H. B. No. 27, an act to incorporate the city of Walla Walla, with the report of the Committee on same, was read second time.

On motion of Mr. Newell,

The bill was amended as recommended by the Committee.

On motion of Mr. Vansyckle,

The bill was read third time, now, passed and title agreed to.

Mr. Newell moved

The Council take a recess of 15 minutes.

Motion lost.

Mr. Blinn moved

The contested election case be now taken up.

Mr. Wilson moved

The Council take a recess of ten minutes.

Mr. Bradshaw arose to a point of order, that the motion for a recess had just been voted down.

The Chair decided the point of order well taken, and refused to entertain the motion for a recess.

Mr. Bradshaw moved

That the majority report of the Committee on Elections be received.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw, Blinn, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

On motion of Mr. Blinn,

Council adjourned until 2 o'clock, P. M.

COUNCIL CHAMBER, 2 O'CLOCK, P. M.

Council came to order.

Mr. President in the chair.

Roll called.

Present—Messrs. Bradshaw, Barrington, Blinn, Newell, Tripp, Vansyckle and Wilson.

On motion of Mr. Vansyckle,

C. B. No. 6, an act for the relief of the Sisters of Charity of the House of Providence, was taken from the table, and the amendments proposed by the House were concurred in by the Council.

H. J. R. No. 10, relative to the University fund, with report of Committee on same, was read second time.

On motion of Mr. Vansyckle,

The rules were suspended and resolution read third time, now, and passed.

The following message was here received from his Excellency the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
Olympia, Jan. 28th, 1868. }

MR. PRESIDENT:

I have the honor to inform, through you, the Hon. Council, that I have approved the following bills:

An act submitting to the voters of Washington Territory, at the next general election, a proposition for calling a convention to frame a State Constitution, and to apply for the admission of the State of Washington into the Union.

An act relating to injunctions and restraining orders.

An act supplementary to an act entitled an act in relation to the county seat in Kitsap county, passed January 15th, 1868.

An act to provide for the payment of Richard Lane, Chief Clerk of the Council.

An act for the relief of H. E. Griffin, J. M. Murphy and Levi Shelton.

An act appropriating the sum of \$150 towards defraying the expenses of printing Territorial commissions, &c.

I am, sir, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

H. B. No. 72, an act relating to marks and brands, was now taken up.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, passed and title agreed to.

Mr. Newell, Chairman of the Committee on Enrolled Bills, submitted the following reports :

MR. PRESIDENT :

Your Committee on Enrolled Bills report C. J. M. No. 6, asking relief for Isaac E. Higgings, as correctly transcribed.

W. H. NEWELL,

Chairman.

MR. PRESIDENT :

Your Committee on Enrolled Bills beg leave to report that they have examined and find correctly enrolled the following :

C. B. No. 36, an act to amend an act entitled an act to regulate the practice and proceedings in civil actions in the District Courts.

C. B. No. 54, an act requiring Judges in certain cases to reduce to writing instructions and charges to juries.

W. H. NEWELL,

Chairman.

The President gave notice that he was about to sign the following :

Memorial for the relief of Isaac E. Higgins.

An act to amend an act to regulate the practice and proceedings in civil actions in the District Court.

An act requiring Judges in certain cases to reduce to writing their instructions and charges to the jury.

H. B. No. 73, an act relative to estrays, was read third time, passed and title agreed to.

On motion of Mr. Wilson,

The vote whereby H. B. No. 73 was passed was reconsidered.

On motion of Mr. Wilson,

The vote whereby C. B. No. 73 passed to its third reading was reconsidered.

Mr. Vansyckle moved

That the report of the Committee on H. B. No. 73 be adopted and bill amended as recommended by said report.

Motion carried and bill so amended.

On motion of Mr. Vansyckle,

The rules were suspended, and bill as amended read third time, passed and title agreed to.

C. B. No. 46, an act to revise and digest the statute laws of Washington Territory, with the amendments as proposed by the House, was now taken up.

On motion of Mr. Vansyckle,

The Council concurred in said amendments.

C. J. R. No. 5, relative to printing election laws, was read third time and passed.

H. B. No. 80, an act to locate a Territorial road from Rockland, in Klikitat county, to opposite Wallula, W. T., was read twice.

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

Substitute for H. B. No. 74, an act relating to the fees of County Treasurers, was read twice.

On motion of Mr. Vansyckle,

Referred to Committee on Memorials.

On motion of Mr. Vansyckle,

Council adjourned until 11 o'clock to-morrow morning.

RICHARD LANE,

Chief Clerk.

COUNCIL CHAMBER,
Wednesday, Jan. 29th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle submitted the following report:

MR. PRESIDENT:

Your Committee, to whom was referred H. B. No. 74, relative to the fees of County Treasurers, have had the same under consideration, and beg leave to report the same back to the Council and recommend its passage without amendment.

J. M. VANSYCKLE,

Chairman.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 29th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the Speaker has signed the following:

Memorial for the relief of Isaac E. Higgins.

C. B. No. 54, an act requiring Judges in certain cases to reduce to writing instructions and charges to juries.

C. B. No. 36, an act to amend an act entitled an act to regulate the practice and proceedings in civil actions in the District Courts.

Also, the passage in the House of

Substitute for H. B. No. 88, an act to provide for making certain indexes in Walla Walla county.

Substitute for H. B. No. 78, an act relating to fees of jurors and witnesses in the counties of Walla Walla and Stevens.

Substitute for H. B. No. 66, an act to define the duties of the Inspectors and Judges of elections.

H. S. for C. J. R. No. 5, relative to printing election, road and school laws.

H. S. for C. B. No. 58, an act relative to the sale of spirituous and malt liquors in the county of Walla Walla.

C. B. No. 28, an act in relation to change of venue in civil and criminal actions.

C. B. No. 38, an act to assess a tax and provide for the building of a bridge over the Dungeness river in Olalm county, W. T.

C. B. No. 62, an act entitled an act for the relief of the Sheriffs of the different counties of Washington Territory.

H. S. for C. B. No. 61, an act supplemental to an act to establish pilots and pilot regulations for the San Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

Also, that the House has indefinitely postponed

H. B. No. 85, an act to repeal an act entitled an act to amend an act relating to crimes and punishments and proceedings in criminal actions.

C. B. No. 31, an act relating to the specific performance of certain contracts.

C. B. No. 18, an act entitled an act relating to organizing a pilot commission for the Columbia river and defining the duties thereof.

C. B. No. 34, an act reducing the compensation of Judges of the Probate Court.

C. B. No. 36, an act to vacate certain streets in the city of Vancouver, W. T.

L. B. ANDREWS,

Chief Clerk.

Mr. Newell, Chairman of the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

Your Committee on Enrolled Bills beg leave to report:

that they have examined and find correctly enrolled the following:

C. B. No. 46, an act to revise and digest the statute laws of Washington Territory.

C. B. No. 6, an act for the relief of the Sisters of Charity of the House of Providence.

C. B. No. 55, an act for the relief of Edward Barrington.

C. B. No. 50, an act to create and organize the county of Quillehuyte.

C. B. No. 24, an act in relation to common schools in Washington Territory.

C. B. No. 40, an act to provide for the removal of obstructions in the Cowlitz river.

C. B. No. 26, an act to incorporate the city of Vancouver.

W. H. NEWELL,

Chairman.

Mr. Newell, on leave, submitted the following resolution:

Resolved, That the President of the Council be and he is hereby authorized to sign any bills that have passed both branches of the Legislative Assembly, and that have been enrolled, at any time before the final adjournment, whether the Council is in session or not: *Provided, however*, That it shall appear upon the journal that the President has signed such bills.

On motion of Mr. Wilson,

The rules were suspended and resolution adopted.

Report of Committee on Substitute for H. B. No. 74, an act relative to fees of County Treasurers, was read.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Bradshaw called for a reading of the bill for information.

On motion of Mr. Bradshaw,

The rules were suspended, bill read third time, now, passed and title agreed to.

Substitute for H. B. No. 88, an act to provide for making certain indices in Walla Walla county, was read, and,

On motion of Mr. Newell,

Referred to Committee on Territorial Library.

On motion of Mr. Wilson,

H. B. No. 68, an act appropriating money to repair a certain road, with the report of the Committee on same, was taken up and report read.

Mr. Wilson moved

That the report be adopted and the bill amended as recommended in said report.

Motion carried and bill so amended.

Mr. Vansyckle moved

That the rules be suspended and bill as amended read third time, now.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Tripp, Vansyckle and Wilson—5.

Those voting in the negative were

Messrs. Blinn, Newell and Mr. President—3.

Motion lost.

H. S. for C. J. R. No. 5, relative to printing road, election and school laws, was read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended and resolution read third time, now, and adopted.

Substitute for H. B. No. 78, an act relative to the fees of Jurors in the county of Walla Walla.

Bill read first time.

Substitute for H. B. No. 66, an act to define the duties of Inspectors and Judges of Elections, was read twice, and,

On motion of Mr. Vansyckle,

Referred to Committee on Territorial Library.

Substitute for C. B. No. 58, an act relative to the sale of spirituous and malt liquors in the county of Walla Walla, was read twice, and,

On motion of Mr. Newell.

Referred to the Walla Walla delegation.

Substitute for C. B. No. 61, an act relative to pilots.

Bill read first time.

Mr. Bradshaw moved

That the rules be suspended and bill read second time, now.

On this motion the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Tripp, Vansyckle and Mr. President—5.

Those voting in the negative were

Messrs. Blinn, Newell and Wilson—3.

Motion lost.

Mr. Vansyckle moved

That C. B. No. 68, an act to appropriate money to repair a certain road, be now taken from the table.

On this motion the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Blinn, Tripp and Vansyckle—5.

Those voting in the negative were

Messrs. Newell, Wilson and Mr. President—3.

Motion carried, bill taken up and read third time.

Mr. Vansyckle moved to adjourn.

Motion lost.

On motion of Mr. Vansyckle,

C. B. No. 68 was referred to Committee on Ways and Means.

Mr. Bradshaw, on leave, introduced the following resolution :

Resolved, That from and after this date, a majority shall have the power to suspend the rules of this Council.

On the motion to suspend the rules and read the resolution third time, now, the ayes and noes were demanded with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Tripp, Vansyckle and Mr. President—5.

Those voting in the negative were

Messrs. Blinn, Newell and Wilson—3.

Motion lost.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 29th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

C. B. No. 48, an act supplemental to an act defining the several Judicial Districts of this Territory and assigning the Judges thereto, approved Jan. 25th, 1868.

L. B. ANDREWS,
Chief Clerk.

The President gave notice that he was about to sign the following:

An act supplemental to an act entitled an act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington, approved Jan. 21, 1868.

An act providing a fund for extinguishing the indebtedness of Clark county, and to provide for the payment of current expenses.

An act for the protection of sheep and other domestic animals.

An act for the protection of stock raisers in Walla Walla, Klikitat and Yakima counties.

An act to dissolve the bonds of matrimony heretofore existing between Gertrude J. and Leonard White.

An act for the preservation of game.

An act amendatory of an act entitled an act relating to elections and the mode of filling vacancies, approved Jan. 27, 1866.

Joint resolution relative to the University fund.

An act relating to writs of error and appeals from the Supreme Court in certain cases.

An act to locate a Territorial road from Rockland, in Klikitat county, to opposite Wallula, W. T.

An act to amend an act entitled an act to incorporate the city of Walla Walla.

An act for the relief of the Sheriff of Clark county, W. T.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

Your Committee on Enrolled Bills report the following bill as correctly transcribed :

C. B. No. 48, an act supplemental to an act defining the several Judicial Districts of this Territory, and assigning the Judges thereto.

W. H. NEWELL,
Chairman.

On motion of Mr. Wilson,

The Council now took up C. B. No. 61, an act relative to pilots.

On motion of Mr. Wilson,

The rules were suspended and bill read second time, now, by title.

Mr. Wilson moved

To amend section 32 as follows: Add to section 32 the words "That all vessels sailing under the American flag, to and from American ports, shall be exempt from the provisions of this act."

On this motion, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—7.

Those voting in the negative were

Mr. Bradshaw—1.

Motion carried and bill so amended.

Mr. Bradshaw moved

To amend section 28 as follows: Strike out of said section the word "eight," and insert in lieu thereof the word "ten;" also, by striking out of said section the word "ten," and insert in lieu thereof the word "twelve."

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Blinn, Newell, Vansyckle and Wilson—4.

Motion lost.

On motion of Mr. Vansyckle,

The bill was still further amended by striking out the word "law," wherever the same occurs in said bill.

On motion of Mr. Blinn,

The rules were suspended and bill read third time, now.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Newell, Tripp, Vansyckle, Wilson and Mr. President—8.

Those voting in the negative were

None.

Bill passed and title agreed to.

On motion of Mr. Blinn,

The vote whereby C. B. No. 61 was passed was reconsidered and motion laid on the table.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 29th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the Speaker has signed the following:

C. B. No. 6, an act for the relief of the Sisters of Charity of the House of Providence.

C. B. No. 46, an act to revise and digest the statute laws of Washington Territory.

C. B. No. 50, an act to create and organize the county of Quillehuyte.

C. B. No. 40, an act to provide for the removal of obstructions in the Cowlitz river.

C. B. No. 55, an act for the relief of Edward Barrington.

An act for the protection of stock raisers in Walla Walla, Klikitat and Yakima counties.

An act for the protection of sheep and other domestic animals.

An act supplemental to an act entitled an act to amend an act entitled an act to regulate the times of holding the several U. S. District Courts in the Territory of Washington, approved Jan. 21, 1868.

An act providing a fund for extinguishing the indebtedness of Clark county, and to provide for the payment of current expenses.

An act amendatory of an act entitled an act relating to elections and the mode of filling vacancies, approved Jan. 23, 1866.

An act relating to writs of error and appeals from the Supreme Court in certain cases.

An act for the relief of the Sheriff of Clark county, W. T.

An act to amend an act entitled an act to incorporate the city of Walla Walla.

An act to locate a Territorial road from Rockland, in Klikitat county, to opposite Wallula, W. T.

An act to dissolve the bonds of matrimony heretofore existing between Gertrude J. and Leonard White.

An act to incorporate the city of Vancouver.

An act for the preservation of game.

Joint resolution relative to the University fund.

L. B. ANDREWS,
Chief Clerk.

Mr. Newell, on leave, submitted the following report :

MR. PRESIDENT :

A majority of your Committee on Ways and Means, to whom was referred H. B. No. 68, an act appropriating money to repair a certain road, have had the same under consideration, and bearing in mind the depressed condition of the Territorial treasury, and the fact that our people are already overburdened with taxation, recommend that the bill be rejected.

W. H. NEWELL,
MARSHALL BLINN,

The report was received and the Committee discharged from further consideration of the subject.

On the final passage of H. B. No. 68, the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Tripp and Wilson—4.

Those voting in the negative were

Messrs. Blinn, Newell, Vansyckle and Mr. President—4.

Bill failed to pass.

Mr. Blinn moved

To reconsider the vote whereby H. B. No. 68 failed to pass, and lay the motion on the table.

On this motion the ayes and noes were called with the following result :

Those voting in the affirmative were

Messrs. Blinn, Newell, Vansyckle and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Bradshaw, Tripp and Wilson—4.

Motion lost.

Mr. Newell, on leave, submitted the following report :

MR. PRESIDENT :

The undersigned, members of the Walla Walla delegation, to whom was referred H. S. for C. B. No. 58, an act relative to the sale of spirituous and malt liquors in the county of Walla Walla, have had the same under consideration, and beg leave to report the bill back and recommend that it pass.

W. H. NEWELL,
J. M. VANSYCKLE,

The report was received and the Committee discharged from further consideration of the subject.

Mr. Bradshaw moved

To amend by striking out the word "twelve" and inserting in lieu thereof the words "twenty-one."

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw and Blinn—3.

Those voting in the negative were

Messrs. Newell, Tripp, Vansyckle and Mr. President—4.

Motion lost.

Mr. Wilson was excused by the Council from voting on this question.

On the final passage of the bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Newell, Tripp, Vansyckle, Wilson and Mr. President—5.

Those voting in the negative were

Messrs. Barrington, Blinn and Bradshaw—3.

Bill passed and title agreed to.

Mr. Newell, on leave, submitted the following report:

MR. PRESIDENT:

Your Committee, to whom was referred H. S. for H. B. No. 66, an act to define the duties of Inspectors and Judges of Election, have had the same under consideration, and beg leave to report the bill back to the Council and recommend its passage.

W. H. NEWELL,

Chairman.

The report was received and Committee discharged from further consideration of the subject.

The bill was read now for information.

Mr. Wilson moved

To amend by inserting, after the word "ballot," the words

"on which it shall appear there was reasonable ground for a challenge.

Mr. Bradshaw moved

A call of the House be ordered.

Motion carried.

Roll called.

Present—Messrs. Bradshaw, Blinn, Newell, Vansyckle and Wilson.

Absent—Messrs. Barrington and Tripp.

On motion, a further call of the House was dispensed with.

On motion of Mr. Bradshaw,

The absent members were required to render their excuses at the bar of the Council to-morrow morning.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Wednesday, Jan. 29th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the Speaker of the House of Representatives has signed the following:

C. B. No. 48, an act supplemental to an act defining the several Judicial Districts of this Territory, and assigning the Judges thereto, approved Jan. 25th, 1868.

C. B. No. 28, an act in relation to change of venue in civil and criminal actions.

Also, the passage in the House of

C. B. No. 25, an act entitled an act to divorce Samantha and Samuel N. Woodruff.

C. B. No. 47, an act to reduce the costs and expenses in the administration of estates, and to provide for the execution of the provisions of wills in certain cases, with the amendments,

L. B. ANDREWS,
Chief Clerk,

On motion of Mr. Vansyckle,

Council adjourned until 10 o'clock to-morrow morning.

RICHARD LANE,
Chief Clerk.

COUNCIL CHAMBER,
Thursday, Jan. 30th, 1868. }

Council met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Vansyckle submitted the following report:

MR. PRESIDENT:

Your Committee to whom was referred H. B. No. 63, relative to the practice of medicine and surgery, have had the same under consideration, and beg leave to report the same back and recommend the following amendments: Strike out all of section 3 and insert in lieu thereof the following: "This act shall in no way apply to Clark county."

J. M. VANSYCKLE,
Chairman.

Mr. Newell, Chairman of Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

Your Committee on Enrolled Bills report the following bills as correctly transcribed:

H. S. for C. B. No. 61, an act supplemental to an act to establish pilots and pilot regulations for the San Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

C. B. No. 38, an act to assess a tax and provide for the building of a bridge over the Dungeness river in Clallam county, W. T.

W. H. NEWELL,
Chairman.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 30th, 1868.

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council of the passage in the House of Representatives of the following:

H. B. No. 37, an act amendatory to an act entitled an act in relation to the construction of roads and highways in Washington Territory, and defining the duties of road supervisors, approved Jan. 30th, 1867.

H. B. No. 75, an act appropriating certain taxes for a certain road, and regulating the expenditure thereof.

H. B. No. 60, an act to provide for the payment of the Regents of the Territorial University.

C. B. No. 49, an act to amend an act entitled an act to provide for the assessing and collecting of Territorial and County revenue, approved January, A. D. 1867, with amendments attached to the bill.

Also, that the House has indefinitely postponed

H. B. No. 36, an act to repeal an act to provide for the public printing and the distribution of the laws and journals, approved Jan. 19th, 1863.

H. B. No. 83, an act relating to the lien of judgments and the time within which the same may be forced.

H. B. No. 86, an act for the relief of Daniel Bagley.

L. B. ANDREWS,
Chief Clerk.

Mr. Bradshaw submitted the following majority report of the Committee on Elections:

MR. PRESIDENT:

A majority of your Committee on Elections, to whom was referred the conflicting claims of Messrs. McLane and Longmire to a seat in the Council as a representative from the counties of Lewis and Thurston, beg leave to report: 1st. That we have examined the certificate of election of Wm. McLane, and find it regular on its face, and Mr. Longmire has not furnished any evidence of that character; 2d. A statement has been sub-

mitted from the auditor of the senior county, proving that Mr. McLane has a majority of nineteen votes in the District, nor has there been any evidence submitted to your Committee to show that the facts are not in accordance with that statement.

C. M. BRADSHAW,
MARSHALL BLINN.

Mr. Vansyckle, Chairman of the Committee on Elections, submitted a minority report.

Mr. Vansyckle moved

That the report be received and the Committee discharged from further consideration of the subject.

On this question, after a lengthy discussion, the ayes and noes were demanded with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Those voting in the negative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Report not received.

Mr. Newell, Chairman of Committee on Territorial Library, submitted the following report:

MR. PRESIDENT:

Your Committee on Territorial Library, to whom was referred Substitute for H. B. No. 88, an act to provide for making certain indices in Walla Walla county, have had the same under consideration, and recommend the following amendment: After the 5th line and following the word "authorized," in the first section, strike out the words "and directed." With this amendment, we recommend that the bill pass.

W. H. NEWELL,
Chairman.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 30th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to in-

form the Council that the Speaker of the House has signed the following:

H. S. for C. B. No. 61, an act supplemental to an act to establish pilots and pilot regulations for the San Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

C. B. No. 38, an act to assess a tax and provide for the building of a bridge over the Dungeness river in Olalm county, W. T.

H. S. for C. B. No. 58, an act relative to the sale of spirituous and malt liquors in the county of Walla Walla.

An act in relation to roads and highways in certain counties in the Territory of Washington, and defining the duties of road supervisors.

An act concerning marks and brands in Klikitat, Yakima and Walla Walla counties.

An act to locate a Territorial road from Rockland to the Yakima.

An act relative to the fees of county treasurers.

H. S. for C. J. R. No. 5, relative to printing road, election and school laws.

L. B. ANDREWS,
Chief Clerk.

The following message was here received from his Excellency the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
Olympia, Jan. 30th, 1868.

*To the Honorable President of the Legislative Council of
Washington Territory.*

SIR:—A bill has been placed in my hands for approval, entitled "an act to divorce Samantha and Samuel N. Woodruff."

I regard the Judiciary and not the Legislature as the proper tribunal for hearing and determining this class of cases, and cannot conscientiously give my sanction to a single precedent for what I consider an unwarrantable exercise of power by the

Legislative Assembly. I therefore respectfully return the bill to the House in which it originated.

I am, sir, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

On the question being put, shall the bill become a law over the veto of the Governor, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Bradshaw, Tripp and Vansyckle—4.

Those voting in the negative were

Messrs. Blinn, Newell, Wilson and Mr. President—4.

The bill did not become a law.

The following message was also received from the Governor:

EXECUTIVE OFFICE, OLYMPIA, }
January 30th, 1868. }

To the Honorable Legislative Assembly of the

Territory of Washington.

GENTLEMEN:—On the 27th day of January, 1868, a bill was placed in my hands for approval, by Richard Lane, Chief Clerk of the Council, entitled “an act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.”

An act of Congress entitled “an act relating to pilots and pilot regulations,” approved July 13, 1866, provides “that no regulations or provisions shall be adopted by any State of the United States of America, which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States.”

Section 29 of the bill provides “That all vessels employed in the coasting trade within this Territory be exempted from this law.”

Section 30 provides “that all vessels engaged in the coasting trade between this Territory, Oregon, California and Alaska, registered and paying taxes in full in this Territory, shall not be

held liable but to one-half the foregoing rates, and then only when actually employing a pilot."

The provisions contained in these two sections of the bill under consideration seem to me to be in direct conflict with the act of Congress above cited. I therefore respectfully return the bill without my approval.

I am, sir, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

On the question being put, shall the bill become a law over the veto of the Governor, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Bradshaw and Tripp—2.

Those voting in the negative were

Messrs. Barrington, Blinn, Newell, Vansyckle, Wilson and Mr. President—6.

The bill did not become a law.

The following message was also received from his Excellency the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
Olympia, Jan. 30th, 1868.

Gentlemen of the Legislative Assembly of the

Territory of Washington:

I have the honor to notify your honorable bodies that I have approved the following entitled bills, to-wit:

An act to assess a tax and provide for the building of a bridge over the Dungeness river in Clalm county.

An act to establish pilots and pilot regulations for the Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

An act to amend an act entitled an act to provide for the assessing and collecting of Territorial revenue, approved January 31st, 1868.

H. B. No. 37, an act amendatory to an act entitled an act

in relation to the construction of roads and highways in Washington Territory, and defining the duties of road supervisors, approved Jan. 30th, 1867.

Substitute for H. B. No. 66, an act to define the duties of Inspectors and Judges of Elections.

I am, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 30th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the Speaker of the House of Representatives has signed the following:

H. B. No. 75, an act appropriating certain taxes for a certain road, and regulating the expenditure thereof.

Substitute for H. B. No. 88, an act to provide for making certain indexes in Walla Walla county.

C. B. No. 49, an act to amend an act entitled an act to provide for the assessing and collecting of Territorial and County revenue, approved January 31st, 1867.

H. B. No. 37, an act amendatory to an act entitled an act in relation to the construction of roads and highways in Washington Territory, and defining the duties of road supervisors, approved Jan. 30th, 1867.

Substitute for H. B. No. 66, an act to define the duties of the Inspectors and Judges of elections.

An act relative to estrays.

L. B. ANDREWS,

Chief Clerk.

Report of the Committee on H. B. No. 88, an act to provide for making certain indexes in Walla Walla county, was read.

The report was received and Committee discharged from further consideration of the subject.

On motion of Mr. Newell,

The bill was amended as recommended in said report.

On motion of Mr. Vansyckle,

The bill was read third time as amended, passed and title agreed to.

Report of the Committee on H. B. No. 62, an act in relation to the practice of medicine and surgery, was read.

The report was received and the Committee discharged from further consideration of the subject.

Mr. Wilson moved

That the report be adopted and the bill amended as recommended by said report.

Mr. Blinn moved the previous question.

Motion lost.

Mr. Tripp moved a further amendment to the bill.

On this motion the ayes and noes were called with the following result:

Ayes, 4; nays, 2.

Motion carried and bill so-amended.

Mr. Bradshaw moved

The bill be indefinitely postponed.

Motion lost.

Mr. Bradshaw moved

That now be assigned as the time for the third reading of the bill.

Mr. Wilson moved

To lay that motion on the table.

Motion carried.

Mr. Vansyckle moved

To refer the bill to Committee on Judiciary.

Motion lost.

Mr. Wilson moved

That the bill be referred to the Committee on Engrossed Bills, with instructions to report forthwith.

Motion carried and bill so referred.

C. B. No. 28, an act relating to estrays, as amended by the House, was taken up, now, and the amendments by the House concurred in by the Council.

Mr. Bradshaw moved

That the majority report of the Committee on Elections, relative to the admission of Hon. Wm. McLane, be adopted.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

Mr. Bradshaw handed to the President the certificate of election of the Hon. Wm. McLane, and requested that he be now sworn in. Pending the debate on this question,

On motion of Mr. Barrington,

Council adjourned until 2 o'clock, P. M.

COUNCIL CHAMBER, 2 O'CLOCK, P. M.

Council came to order.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Mr. Bradshaw asked that Mr. Wm. McLane be now sworn in as Joint Councilman from the district composed of the counties of Lewis and Thurston. Objected to.

On this question, the Chair made the following decision in writing:

On the 30th day of January, 1868, the Hon. O. M. Bradshaw presented the credentials of Hon. Wm. McLane, as Councilman of Thurston and Lewis, and demanded that the President of the Council should order him to be sworn in. Objection was made and the Chair decided that objection having been made, Mr. McLane could not be ordered sworn in by the Presi-

dent unless the Council directed him to do so, and the President stated his opinion as follows :

This is a question which is of great importance, and I have anxiously and carefully examined the same. Ordinarily, in my opinion, the President has power to direct a person to be sworn in when he presents credentials regular upon their face; but when objection is made, that power cannot be exercised unless sanctioned by the Council.

Much as I believe that the honorable gentleman presenting his credentials was legally elected by the popular vote of the District, and that in all fairness he ought to be admitted to his seat, yet I cannot bring my mind to the conclusion that the President of the Council has the authority to admit him to his seat and order him to be sworn in, unless the procedure is sanctioned by a vote of the Council.

The office of the President of the Council is not created by law, neither are his duties prescribed by law, but that officer performs such duties and exercises such powers as are laid down and prescribed in the rules and orders adopted by the Council for the government of the Council.

I have not been able to find in those rules and orders any authority which is claimed for me by the gentleman from Jefferson; and granting that the authorities cited by the gentleman, from Cushing's law on Legislative Assemblies, is the law governing this Council, I yet fail to see how I can exercise the authority unless I am duly authorized to do so by a vote of the Council.

The laws of this Territory, (see statutes of Washington Territory, 1866, page 49, section 13, of chapter nine) provides that each House of the Legislature is the judge of the qualifications and election of its members.

If this law provided that the presiding officer of each House should primarily be the judge of the qualification and election of its members, I would, without hesitancy, pronounce the credentials sufficient, and declare the Hon. Wm. McLane entitled to his seat.

As President of this Council, I cannot exercise any authority unless the same is expressly conferred upon me by competent authority. The passing upon the election and qualifications of members to this Council is a judicial function, which, according to law, must be exercised by each House, and not by the presiding officer of the same.

It is a question which must be determined like all other questions before the Council, that is to say, by a majority of a quorum present; and unless a majority so vote in favor of the admission of Mr. McLane, he is prevented from taking his seat unless by the law of force and numerical strength, however much the facts and testimony may show him to be entitled to the same.

In determining this question, the President has a right to vote, but his vote has no more weight than that of any other member of the Council. Hence, while declaring my conviction that he ought to be admitted, and my intention to vote for his admission, until it is shown by competent testimony that another has a better right, I decline to assume a responsibility which is unwarrantable by law, and which, in my opinion, would be a departure from the obligations of my official oath as President of this body, for partizan purposes.

H. G. STRUVE,

President of the Council.

On motion of Mr. Vansyckle,

The decision of the Chair was ordered to be spread upon the journals of the Council.

Mr. Bradshaw moved

The adoption of the majority report of the Committee on Elections.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Tripp and Mr. President—4.

Those voting in the negative were

Messrs. Barrington, Newell, Vansyckle and Wilson—4.

Motion lost.

Mr. Tripp made the following motion in writing: I move to reconsider the vote whereby the report of the minority on Elections was not received, to give the gentleman a chance to amend his report.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Motion carried.

On the question of receiving the minority report of the Committee on Elections, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Those voting in the negative were

Messrs. Blinn, Bradshaw and Mr. President—3.

The report was received, and is as follows:

MR. PRESIDENT:

Your Committee to whom was referred the contested case between James Longmire and Wm. McLane for a seat in this Council, from the Council district composed of Lewis and Thurston counties, beg leave to report the following facts, to wit:

First. That, by paper marked "protest A," it appears that James Longmire, the contestant, did present to your Committee a protest against the said Wm. McLane taking a seat in this Council.

Second. It also appears, from a paper marked "B," that the said James Longmire did make affidavit, setting forth the grounds upon which he (Longmire) contested Wm. McLane's right to a seat in this Council, giving, among other reasons and charges, the names of sixteen persons who had voted illegally at the Olympia precinct.

Third. Paper marked "C" purports to be a certificate of election issued to Wm. McLane from the County Auditor of Lewis County.

Fourth. Paper marked "D" is a certified copy, under the seal of the Territorial Secretary, of the election returns from Council District composed of Lewis and Thurston Counties by which it appears that Wm. McLane received two hundred and seventy-one votes, and that James Longmire received two hundred and seventy votes. McLane's majority, one.

Fifth. Paper marked "E" is a copy of a notice served on Wm. McLane by the Sheriff of Thurston county, giving notice of taking depositions at the Cowlitz P. O. before a Notary Public, relative to the contest aforesaid.

Sixth. The paper marked "F," is the affidavit of Daniel House, in which the affiant swears to having been offered money by two persons, now residents of Olympia, to induce him to vote for McLane.

Seventh. Papers marked "G, H, and I," are affidavits from Peterfield Turpin, D. M. Hawk and Benj. Gordon, relative to malfeasance of the Judges at the Tum Water precinct.

Eighth. The paper marked "J" is the affidavit of John C. Lusk, relative to an illegal vote cast at Mound Prairie by one W. F. James, a resident of Chehalis county.

Ninth. The paper marked "K" is a certificate from Peterfield Turpin, auditor of Thurston county, certifying to the fact of the name of W. F. James being on the poll books of Mound Prairie, as having voted at that precinct on the 6th day of January.

Your Committee would most respectfully call your attention to the paper herewith transmitted and marked "D," in which you will find that Mr. McLane's majority in the Council district composed of Lewis and Thurston Counties is only one, and in connection therewith, would also call your attention to the action of this Council a short time after the late special election, when this Council vacated the office of Enrolling Clerk for illegally voting at that election. Is it not a self-evident fact, that if we considered the act of our Enrolling Clerk illegal at

that time, knowing; as we did, by his (Grinnell's) own admission, that he voted for McLane, does not the action of this Council, coupled with the statement of said Grinnell that he voted for McLane, prove conclusively that there was no election? By throwing out this illegal vote, the election returns for the Council district of Lewis and Thurston counties, would stand a tie.

But this is not all the paper marked "B" proves that there was no less than sixteen illegal votes cast in the Olympia precinct. Nor is this all the paper marked "F" shows that money was resorted to, to corrupt the ballot box.

The papers marked "E, G, H, I, J, and K," show still more illegal voting; and "G, H and I" clearly proves the malfeasance of the Judges and Inspector of Tum Water precinct, in Thurston county.

Your Committee have patiently awaited a return of the depositions to be taken in this case, which your Committee are informed, and believe, will prove conclusively that Mr. McLane is not entitled to a seat in this Council; and we therefore request that the investigation of this case be postponed until such time as we can hear from the Cowlitz P. O., from which, up to this time, no returns have been made by either party.

Your Committee are clearly of the opinion that the testimony (by affidavits) herewith presented are ample and sufficient to bear us out in the recommendation that the seat be declared vacant, and that the whole matter be referred back to the people of the said Council district, and a new election ordered at the next general election.

All of which is most respectfully submitted.

J. M. VANSYCKLE,

Chairman.

COUNCIL COMMITTEE OF ELECTIONS:

GENTLEMEN:—I hereby notify you that I contest the right of Wm. McLane to a seat in the Council of Washington Territory, on the ground of illegal voting and malfeasance of Judges.

JAMES LONGMIRE.

Olympia, Jan. 15th, 1868.

Grounds upon which James Longmire contests the election of Wm. McLane, Councilman of the District composed of Lewis and Thurston.

Of illegality in Lewis county in this: That at Cowlitz precinct, a citizen of Cowlitz county voted for McLane; that voters were bribed and paid for voting for McLane; that the Inspector and Judges refused to at least one citizen, a legal voter of Lewis county, his vote, who proposed to vote for Longmire; that one person voted for McLane who was not a resident of Lewis county; that the polls of said precinct were not opened till 12 M., so that many legal voters had to return home, not having the privilege of voting; that one vote for Longmire was thrown out of the ballot box by the Judges and Inspector; that the affiant verily believes that, had the election in said precinct been conducted fairly and impartially, and without fraud, and according to law, said affiant would have had at least ten more votes in Lewis county, which would give him at least nine majority; and he furthermore declares that in Olympia precinct, Thurston county, the following persons voted whom he believes to be illegal voters: J. G. Vaughn, J. R. Hill, B. P. Stevens, J. E. Jackson, Andrew St. Martin, James C. Landreth, A. A. Phillips, A. J. Averill, M. J. Maddock, Wm. H. Peters, Mark Jones, L. B. Simmons, Thos. Taylor, Peter Ladd, W. B. Grinnell, and also a colored man on the *Anderson*, name not known to affiant. For these reasons, affiant contests the election as declared for Wm. McLane, and claims that he, the affiant, has received a majority of the legal votes of the district of Lewis and Thurston counties, W. T.

JAMES LONGMIRE.

TERRITORY OF WASHINGTON, }
County of Thurston. } ss:

Sworn and subscribed before me, a Justice of the Peace in and for Olympia precinct, this 15th day of January, 1868.

J. C. HEAD,

Justice of the Peace.

A certified copy of the election returns of Lewis and Thurston Counties, held Jan. 6; 1868, now on file in the Secretary's office.

Abstract of the votes returned to the Auditor of Lewis County, of a special election held in Thurston and Lewis Counties, in Washington Territory, on the 6th day of January, A. D. 1868, for a Councilman for the District composed of the said counties of Thurston and Lewis.

	JAS. LONGMIRE.	W. M. MOLANE.
<i>Thurston County.</i>		
Olympia precinct.....	124	126
Yelm ".....	20	2
Chambers' prairie precinct.....	11	4
Black River ".....	10	7
Mound Prairie ".....	9	35
Coal Bank ".....	15	11
Tumwater—Rejected on account of malfeasance in office of Judges.		
<i>Lewis County.</i>		
Claquato precinct.....	8	43
Boisfort ".....	8	9
Skookum Chuck precinct.....	10	14
Nawakum ".....	12	3
Cowlitz ".....	43	17
Total	270	271

TERRITORY OF WASHINGTON, }
County of Lewis. } ss:

I hereby certify that the above and foregoing is a true statement and estimate of the number of votes as returned to this office of a special election for Councilman for the District composed of the counties of Thurston and Lewis, held on the 6th day of January, A. D. 1868.

In witness whereof, I have hereunto set my hand and affixed the seal of said County of Lewis, this 13th day of January, A. D. 1868.

[SEAL.]

H. N. STERNES,

Auditor.

I certify the above and foregoing to be a true copy of the official returns from Lewis and Thurston Counties of the election held on the sixth day of January, A. D. 1868, and now on file in my office.

[SEAL.]

E. L. SMITH,

Secretary of Washington Territory.

Olympia, January 16, 1868.

OLYMPIA, Jan. 15th, 1868.

To WM. McLANE: I hereby give you notice that I will examine the following witnesses at Cowlitz P. O., before L. L. Duban, a Notary Public in and for Washington Territory, on Wednesday, the 22d day of January, A. D. 1868, viz: Javan Hall, Thomas Davis, M. Chappelier, I. B. Gervan, Henry Miles, McDonald Simmons and H. H. Pinto, to prove that at Cowlitz precinct, a citizen of Cowlitz county, who was bribed so to do, voted for McLane, and that others were bribed and paid for voting for McLane; that one person voted for McLane who never had a residence in Lewis county; that one vote for Longmire was thrown out of the poll box by the Judges and Inspector; that one citizen and legal voter of Lewis county was refused the privilege of voting for Longmire.

Respectfully yours, etc.,

JAMES LONGMIRE.

The original of the within came to hand on the 16th day of January, 1868, and on the same day I served the same upon Wm. McLane, in the town of Olympia, W. T., by handing it to him.

J. H. KELLETT,

Sheriff of Thurston County.

TERRITORY OF WASHINGTON, }
County of Thurston. { ss:

Personally appeared before me a Justice of the Peace in

and for Olympia precinct and county aforesaid, Daniel House, and after being duly sworn, says that two days previous to the special election held for Longmire and McLane, that he, the said Daniel House, had money offered to him to vote for McLane, by two different persons who now live in the town of Olympia, which propositions I refused.

DANIEL HOUSE.

Sworn and subscribed to before me this 16th day of January, 1868.

J. C. HEAD,
Justice of the Peace.

TERRITORY OF WASHINGTON, } ss:
County of Thurston.

On this 16th day of January, A. D. 1868, before me, the undersigned, a Notary Public in and for said Territory, personally appeared Peterfield Turpin, who, being first duly sworn, deposes and says as follows:

On the day of election, on Monday, January 6th, 1868, for Councilman for the district composed of the Counties of Thurston and Lewis, I was at the polls in Tum Water precinct, when James Dunlap, one of the Judges of Election at said precinct, did call me to him while he was sitting as one of the Judges of said election, and did say to me that there had been two illegal votes cast, and the reason why he accepted the votes of H. Jones and Thomas Starlin, (who he knew were illegal voters) was that it was nothing more than right to accept them to offset the other two illegal votes that were cast.

PETERFIELD TURPIN.

Subscribed and sworn to before me this 16th day of January, 1868.

RICHARD LANE,
Notary Public.

TERRITORY OF WASHINGTON, } ss:
County of Thurston.

On the 16th day of January, A. D. 1868, personally appeared before the undersigned, a Notary Public in and for said

Territory, John M. Hawk, who, being duly sworn according to law, deposes as follows:

On the Tuesday morning following the recent election for Councilman, for the district composed of the Counties of Thurston and Lewis, I was in conversation at the workshop of Joseph H. Kellett, in Olympia, with Mr. James Dunlap, one of the Judges of election at Tum Water precinct. During the said conversation, the said Dunlap stated to this affiant, in the presence of Messrs. Kellett, Turpin and B. Eastman, that two illegal votes were cast at Tum Water precinct, and that, in order to offset them, two other illegal votes were taken in.

J. M. HAWK.

Subscribed and sworn to before me this 16th day of January, A. D. 1868.

RICHARD LANE,
Notary Public.

TERRITORY OF WASHINGTON, } ss:
County of Thurston.

On the 16th day of January, A. D. 1868, before the undersigned, a Notary Public in and for said Territory, personally appeared Benjamin Gordon, who, being first duly sworn, deposes and says as follows:

On the Tuesday after the last election, I was in conversation at the butcher shop in the town of Olympia, with Mr. Perry, one of the Judges of election at the Tum Water precinct. During said conversation, Mr. Perry remarked to me that he knew of three illegal votes being cast at the Tum Water precinct.

his
BENJAMIN X GORDON.
mark.

Subscribed and sworn to before me this 16th day of January, 1868.

RICHARD LANE,
Notary Public.

TERRITORY OF WASHINGTON, } ss:
County of Thurston.

On this 18th day of January, 1868, before me, the under-

signed, a Notary Public in and for said Territory, personally came John C. Lewark, who, being duly sworn according to law, deposes and says as follows:

That in the month of October last, he was in conversation with William F. James, in company* with Mr. Newman and others, at the Cedar Mill in Chehalis county; that in said conversation, they adverted to the subject of the Homestead law, and the requirements of the law; that all those holding homesteads should reside upon them, and that they became their place of residence. The said William F. James declared that he claimed his residence in Chehalis county, as his homestead was there. This deponent is positive that said W. F. James has claimed his residence in Chehalis County for the past three years.

JOHN C. LEWARK.

Subscribed and sworn to before me this 18th day of January, 1868.

RICHARD LANE,
Notary Public.

I hereby certify that at a special election held on January 6th, 1868, for Joint Councilman for the district composed of the Counties of Thurston and Lewis, as it appears from the poll book of Mound Prairie precinct, Thurston County, that W. F. James did vote at said precinct upon said day of holding said election.

Given under my hand this the 20th day of January, 1868.

PETERFIELD TURPIN,
County Auditor of Thurston County.

Mr. Wilson, of the Committee on Engrossed Bills, on leave, submitted the following report:

MR. PRESIDENT:

Your Committee on Engrossed Bills, to whom was referred H. B. No. 63, an act to suppress Quackery, &c., have had the bill under consideration, and beg leave to report the same back with amendments, and recommend its passage as amended.

E. A. WILSON,
Chairman.

On motion, the report was received and the Committee discharged from further consideration of the subject.

On motion of Mr. Wilson,

The report of the Committee was adopted, and the bill amended as recommended by the Committee.

On motion of Mr. Vansyckle,

The rules were suspended and bill read third time, now.

On the final passage of the bill, the ayes and noes were called with the following result: , ,

Those voting in the affirmative were

Messrs. Blinn, Newell, Tripp, Vansyckle, Wilson and Mr. President—6.

Those voting in the negative were

Messrs. Barrington and Bradshaw—2.

Bill passed and title agreed to.

The following message was received from the House of Representatives by their clerk:

HOUSE OF REPRESENTATIVES,
Thursday, Jan. 30th, 1868. }

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the House has concurred in the Council amendments to

H. B. No. 88, an act to provide for making certain indexes in Walla Walla county.

H. B. No. 73, an act relative to estrays, with further amendments to the same.

L. B. ANDREWS,
Chief Clerk.

The amendments in the House to C. B. No. 49, an act to provide for the assessing and collecting of Territorial and County revenue, were concurred in by the Council.

H. B. No. 75, an act appropriating certain taxes to repair a certain road, was read, and,

On motion of Mr. Bradshaw,

The rules were suspended, bill read third time, passed and title agreed to.

H. B. No. 39, an act in relation to roads and highways, was read twice, and,

On motion of Mr. Vansyckle,

The rules were suspended, bill read third time, now, passed and title agreed to.

H. B. No. 60, an act to provide for the payment of Regents of the Territorial University, was read first time.

Mr. Vansyckle moved

That the rules be suspended and bill read second time, now.

Motion lost.

Mr. Blinn in the chair.

Substitute for H. B. No. 66, an act defining the duties of Inspectors and Judges of Elections, was read for information.

Mr. Wilson moved

An amendment, which was adopted, and the bill read a third time.

On the final passage of this bill, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw, Newell, Struve, Tripp and Vansyckle—6.

Those voting in the negative were

Messrs. Barrington and Wilson—2.

Bill passed and title agreed to.

Mr. Struve moved

That the rules be suspended and that the Council take up the bill providing for the payment of the Regents of the University.

Division called for and the motion lost.

Mr. Newell, on leave, offered the following resolution:

Resolved, That the thanks of the Council be and they are hereby tendered to the Chief Clerk, Assistant Clerk, Enrolling Clerk, Sergeant-at-Arms and Doorkeeper, for the faithful discharge of the duties incident to their respective positions; and the politeness and courtesy that has characterized them in their intercourse with the members.

On motion of Mr. Vansyckle,

The rules were suspended and the resolution read a second time.

On motion of Mr. Bradshaw,

The rules were further suspended and the resolution read a third time.

On the motion to adopt, the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Barrington, Blinn, Bradshaw, Newell, Tripp, Vansyckle, Wilson and Mr. President—8.

Those voting in the negative were

None.

Resolution adopted.

Mr. Wilson, on leave, offered the following resolution:

Resolved, That the thanks of the Council be tendered to the Hon. H. G. Struve, for the courteous, efficient and impartial manner in which he has discharged the duties of presiding officer of this Council, during his occupancy of the chair.

On motion of Mr. Wilson,

The rules were suspended and the resolution put upon its final passage, and adopted.

The President gave notice at sundry times, during to-day's session, that he was about to sign the following bills:

H. S. for C. B. No. 61, an act supplemental to an act to establish pilots and pilot regulations for the San Juan de Fuca Straits, Puget Sound, and all American inland waters pertaining thereto.

C. B. No. 38. an act to assess a tax and provide for the building of a bridge over the Dungeness river in Clallam county, W. T.

H. S. for C. B. No. 58, an act relative to the sale of spirituous and malt liquors in the county of Walla Walla.

H. S. for C. J. R. No. 5, relative to printing road, election and school laws.

An act in relation to roads and highways in certain counties in the Territory of Washington, and defining the duties of road supervisors.

An act concerning marks and brands in Klikitat, Yakima and Walla Walla counties.

An act to locate a Territorial road from Rockland to the Yakima.

An act to divorce Samantha and Samuel N. Woodruff.

An act for the relief of the sheriffs of the different counties of Washington Territory.

An act to reduce the costs and expenses in the administration of estates, and to provide for the execution of the provisions of wills in certain cases.

An act to provide for making certain indexes in Walla Walla county.

An act to amend an act entitled an act to provide for the assessing and collecting of Territorial and County revenue.

An act to define the duties of Inspectors and Judges of elections.

An act to amend an act in relation to the construction of roads and highways in Washington Territory, and defining the duties of road supervisors.

An act appropriating certain taxes for a certain road, and regulating the expenditure of the same.

On motion of Mr. Wilson,

The Council took a recess of 30 minutes.

Council came to order.

Mr. President in the chair.

Roll called.

Present—Messrs. Barrington, Bradshaw, Blinn, Newell, Tripp, Vansyckle and Wilson.

Mr. Bradshaw moved

To take from the table C. J. R. No. 4.

Motion lost.

Mr. Bradshaw moved

That the resolution to expel Hon. C. M. Bradshaw be now taken up.

Motion lost.

Mr. Blinn moved

To go into a Joint Convention to elect Territorial officers.

Motion lost.

Mr. Bradshaw moved

To go into a Joint Convention to elect a Territorial Auditor and Treasurer.

On this motion the ayes and noes were called with the following result:

Those voting in the affirmative were

Messrs. Blinn, Bradshaw and Mr. President—3.

Those voting in the negative were

Messrs. Barrington, Newell, Tripp, Vansyckle and Wilson—5.

Motion lost.

The following message was here received from his Excellency the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE OFFICE,
Olympia, Jan. 30th, 1868. }

Gentlemen of the Legislative Assembly of the

Territory of Washington:

I have the honor to notify your honorable bodies that I have approved the following-entitled bills, to wit:

An act to amend an act entitled an act to regulate the practice and proceedings in civil actions in the District Court, passed January 28th, 1863.

An act to create and organize the County of Quillehnyte.

An act to provide for a digest and revision of the statute laws of Washington Territory.

An act in relation to common schools in Washington Territory.

An act for the relief of the Sisters of Charity of the House of Providence.

An act to provide for the removal of obstructions in the Cowlitz River.

An act supplemental to an act defining the several Judicial Districts of this Territory, and assigning the Judges thereto, approved January 25th, 1868.

An act requiring Judges in certain cases to reduce to writing instructions and charges to juries.

An act for the relief of Edward Barrington.

An act in relation to change of venue in civil or criminal actions.

An act to incorporate the City of Vancouver.

An act for the relief of the sheriffs of the different counties of Washington Territory.

An act to reduce the costs and expenses in the administration of estates, and to provide for the execution of the provisions of wills in certain cases..

I am, very respectfully,

Your obedient servant,

MARSHALL F. MOORE,

Governor of Washington Territory.

On motion of Mr. Wilson,

The Clerk was instructed to report to the House that the Council was ready to adjourn, and to inquire if the House has any further business.

On motion of Mr. Tripp,

A Committee was appointed to wait upon his Excellency the Governor, and inform him that the Council was about to adjourn.

Messrs. Tripp, Bradshaw and Wilson were appointed said Committee.

The following message was received from the House of Representatives by their clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to inform the Council that the House is now ready to adjourn *sine die*.

L. B. ANDREWS,

Chief Clerk.

On motion of Mr. Vansyckle,

The Council adjourned *sine die*.

RICHARD LANE,

Chief Clerk.